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Our Ref: AWM/CLS

Date: 26 May 2017

Dear Sir/Madam,

#### **PLANNING COMMITTEE**

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on **Tuesday, 6 June 2017 at 4.00 pm**.

Yours faithfully,

A.W. Muter Chief Executive

# AGENDA

|                |  | Page Nos. |
|----------------|--|-----------|
| 1.             | Apologies  | -         |
| 2.             | Declarations of Interest by Members and Officers   |           |
| 3.             | Declaration of any Intentions to Record the Meeting  |           |
| 4.             | Minutes of the Planning Committee held on 9 May 2017   | 3 – 12    |
| <u> PART 1</u> | - ITEMS FOR DECISION   |           |
| 5.             | Land North Of Maid Marion Avenue, Bilsthorpe (16/002086/OUTM)<br><b>(Site Visit: 10.10am – 10.20am)</b>        | 13 - 63   |
| 6.             | Land Adjacent Broadlands, Southwell Road, Farnsfield (17/00392/<br>RMAM) <b>(Site Visit: 9.50am – 10.00am)</b> | 64 - 93   |
| 7.             | Ivy House, Barnby Road, Balderton (17/00473/FUL)<br><b>(Site Visit: 11.20am – 11.30am)</b>                     | 94 - 100  |
|                |  |           |

| 8.             | Land To The Rear Of 21 Strawberry Hall Lane, Newark On Trent<br>(17/00544/FUL) <b>(Site Visit: 11.40am – 11.50am)</b> | 101 - 111 |
|----------------|---|-----------|
| 9.             | Land At Low Farm, Church Lane, Maplebeck (17/00694/FUL)<br><b>(Site Visit: 10.35am – 11.00am)</b>                     | 112 - 127 |
| 10.            | Meadow Lea, Newark Road, Kilvington (17/00552/FUL)  | 128 - 136 |
| 11.            | Tenters Cottage And Adjacent Site, Eakring (17/00597/FUL)   | 137 - 148 |
| 12.            | Land At Rear Of Franklyn, Lower Kirklington Road, Southwell (17/00623/FUL)<br><b>(Site Visit: 9.20am – 9.25am)</b>    | 149 - 159 |
| 13.            | Denholme Cottage, Halam Road, Southwell (17/00675/FUL)<br><b>(Site Visit: 9.30am – 9.40am)</b>                        | 160 - 177 |
| 14.            | Garages Adjacent 27-29 Almond Grove, Farndon (17/00042/FUL)   | 178 - 189 |
| 15.            | The Old Vicarage, Church Lane, South Scarle (17/00644/FUL)<br><b>(Site Visit: 12.05pm – 12.15pm)</b>                  | 190 - 202 |
| 16.            | Castle House, Newark On Trent (17/00749/ADV)  | 203 - 209 |
| <u> PART 2</u> | - ITEMS FOR INFORMATION   |           |
| 17(a).         | Appeals Lodged  | 210       |
| 17(b).         | Appeals Determined  | 211 - 214 |

## PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

#### PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

The following item contains exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

None.

## NOTES:-

A Briefing Meeting will be held in Room F19 at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

#### NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 9 May 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman) Councillor G.P. Handley (Vice-Chairman)

> Councillors: R.V. Blaney, Mrs A.C. Brooks, R.A. Crowe, Mrs M. Dobson, N.B. Mison, Mrs P.J. Rainbow, Mrs S.E. Saddington, Mrs L.M.J. Tift, I. Walker and Mrs Y. Woodhead

ALSO IN

ATTENDANCE: Councillor: M. Buttery

#### 225. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors J. Lee and B. Wells.

#### 226. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

| Member/Officer   | Agenda Item  |
|--|--|
| Councillors: Mrs A.C. Brooks,<br>G.P. Handley and D.R. Payne | Agenda Item Nos: 5 – Land Rear of 76-78 Preston<br>Road, Rainworth (17/00200/FUL); 8 – Garage Courts,<br>Adj. 27-29 Almond Grove, Farndon (17/00042/FUL);<br>10 – Land to the Rear of 46-52 Windsor Close,<br>Collingham (16/02175/FUL); and 13 – Whittaker<br>Road, Rainworth (17/00193/FUL). Personal Interests<br>as Directors of Newark and Sherwood Homes |
| Councillor R. Blaney   | Agenda Item No. 14 – Gable House, Morton<br>(17/00382/FUL), Personal Interest as the applicants<br>parents are known to him.   |

#### 227. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

#### 228. MINUTES OF THE MEETING HELD ON 4 APRIL 2017

AGREED that the minutes of the meeting held on 4 April 2017 be approved as a correct record and signed by the Chairman.

#### 229. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Agenda Items 6, 7, 9, 5, 8, 10, 13, 12, the agenda resumed its stated order thereafter.

#### 230. BOUNDARY HOUSE, 2 SANDY LANE, EDWINSTOWE (17/00376/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site

visit prior to the meeting, which sought planning permission for the erection of a detached single storey bungalow on the land to the side of No. 2 Sandy Lane.

Members considered the application and concern was raised regarding the proximity of the house to the boundary hedgerow. The proposed house completely filled the plot. Concern was also raised regarding traffic as the road was a small adopted lane, which serviced thirteen houses.

AGREED (unanimously) that, planning permission be refused for the reasons contained within the report.

## 231. BROOKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (17/00383/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought outline planning permission for the erection of three new dwellings with access for approval and all other matters reserved.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent.

Members considered the application and it was commented that the whole area was slowly being developed with housing. The Allocations and development options report specifically rejected this site as unsuitable for housing development. The site was close to housing development sites So/Ho/4 and So/Ho/5. The Franklyn site which was reported to be also adjacent to the site was also a speculative site for a development of four houses. It was felt that there would be a potential cumulative effect if this gateway site was approved. The proposals were also contrary to the Southwell Neighbourhood Plan, which stipulated the need for small houses. The application was in outline form, for three large detached houses and there was a clear indication in the report that smaller houses of two bedrooms or less would not be acceptable. It was commented that the council had a five year housing supply with the allocated sites and it was felt that the application did not comply with Council policy.

- AGREED (with 8 votes for, 3 votes against and 1 abstention) that contrary to Officer recommendation, full planning permission be refused for the following reasons:
  - Principle of development, greenfield site surrounding ad hoc residential and no proven need given the 5 year land supply position;
  - (ii) Character, open space, piecemeal development, and ecological loss;
  - (iii) Matters of inappropriate mix.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

| Councillor          | Vote       |  |
|---------------------|------------|--|
| R.V. Blaney         | Against    |  |
| Mrs A.C. Brooks     | Against    |  |
| R.A. Crowe          | For        |  |
| Mrs M. Dobson       | For        |  |
| G.P. Handley        | For        |  |
| J. Lee              | Absent     |  |
| N. Mison            | For        |  |
| D.R. Payne          | Against    |  |
| Mrs P. Rainbow      | Abstention |  |
| Mrs S.E. Saddington | For        |  |
| Mrs L.M.J. Tift     | For        |  |
| I. Walker           | For        |  |
| B. Wells            | Absent     |  |
| Mrs Y. Woodhead     | For        |  |

#### 232. LAND AT GREEN LANE, NEWARK (16/01978/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought the change of use from an overgrown unused allotment, to construct a new dwelling.

Members considered the application and supported the Officer recommendation to refuse planning permission. Members agreed with the Nottinghamshire County Council Highways objection and felt that the character preservation of this area was essential. The application would also have a detrimental effect on the neighbouring properties.

(Councillor Mrs Y. Woodhead was not present for the duration of the Officer presentation and did not take part in the vote).

AGREED (with 11 votes for) that outline planning permission be refused, for the reasons contained within the report.

Having declared personal interests, the Chairman, Vice-Chairman and Councillor Mrs A.C. Brooks took no part in the discussion in relation to Minute Nos. 233, 234, 235, and 236. The Chairman sought Planning Committee approval, which was agreed unanimously for Councillor R.V. Blaney to act as Chairman for the duration of Agenda Items 5, 8, 10 and 13.

#### 233. LAND TO THE REAR OF 76 -78 PRESTON ROAD, RAINWORTH (17/00200/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of two, one bedroomed bungalows following the demolition of fifteen garages.

The Business Manager Growth & Regeneration informed the Committee that the two visitor parking spaces in front of the development had been removed as they were too tight for parking. The size of the garages was also confirmed which were smaller than the industry standard of 3 x 5 metres, although the Business Manager was not implying

that a car could not be parked within the garage. It was also confirmed that two of the garages were rented by social housing tenants with the remainder being privately rented.

Councillor M. Buttery, local ward Member for Rainworth North & Rufford, spoke against the application on the grounds of parking issues created by the removal of the fifteen garages. It was commented that the garages contained asbestos and bats were also in habitation.

Members considered the application and commented that a bat survey would need to be undertaken if there was credible evidence of their presence. The asbestos removal would be removed in compliance with regulations. Members commented that the removal of the garages would increase on-street parking and traffic congestion. Concern was also raised regarding whether two one bedroom bungalows was the best use of the land or whether a pair of semi-detached houses would be more in keeping and would have a smaller footprint. A Member commented that there should be incentives for residents to put in drop kerbs in order for them to park their vehicles on their gardens. Concerns were also raised regarding the tall boundary wall which would be required when the garages were removed.

The Business Manager Growth & Regeneration confirmed that condition 4 would deal with the boundary issue, when removal took place of the shared wall. The housing stock also required one bedroomed bungalows in this location. A two storey house, whilst the footprint would be slightly smaller, would have a greater impact on the surrounding properties.

AGREED (with 7 votes for and 2 votes against) that full planning permission be approved, subject to the conditions contained within the report.

#### 234. GARAGE COURTS, ADJ 27 – 29 ALMOND GROVE, FARNDON (17/00042/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of a pair of semi-detached two bedroom bungalows with a pitched roof design.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer which identified that there was a Housing Needs survey for Farndon, which had not been addressed in the officer report.

The local ward Member informed the Committee that fourteen garages were being used to park vehicles and by removing the garages, would cause major parking issues within this area. He informed the Committee of a planning application that had been submitted for a development of houses a small distance away from the application, at Staveley Court and suggested that the item be deferred to allow Officers to consider that application and also to consider alternative solutions to car parking at the Almond Grove location.

It was suggested that the two local ward Members hold a meeting with the Planning Case Officer and Newark and Sherwood Homes to explore off street parking for this location.

A vote was taken and lost to approve the planning permission, with 2 votes for and 7 votes against.

AGREED (unanimously) that the application be deferred pending the opportunity to explore additional off street parking provision with Newark and Sherwood Homes.

## 235. LAND TO THE REAR OF 46 – 52 WINDSOR CLOSE, COLLINGHAM (16/02175/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of three, two bedroom dwellings. The proposed dwellings would be two storeys with a dual pitch roof design.

Members considered the application and considered the proposal was acceptable.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report.

## 236. GEORGE STREET, NEWARK (16/02090/FULM)

The application had been withdrawn from the agenda and dealt with under delegated powers as the objection lodged by Newark Town Council had been withdrawn.

#### 237. LAND ADJACENT 1 WHITTAKER ROAD, RAINWORTH (17/00193/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the demolition of the existing garage court and the erection of two, one bed bungalows, to be made available for the social rented (affordable) market.

Councillor M. Buttery, local ward Member for Rainworth North & Rufford, spoke against the application on the grounds of parking issues that would be created by the removal of the fourteen garages, ten of which were currently being used to park vehicles. It was commented that the Planning Committee site visit bus could not get down the road to access the site due to the heavily congested parking on the road. It was commented that the parking problem was even worse at weekends. Concern was also raised regarding the increase in height to the proposed retaining wall, which would look unsightly. It was also commented that the residents did not want a replacement car park, they were happy with the garages. It was commented that £12,000 had been invested in felting the flat garage roofs, which would be a waste, especially if Newark and Sherwood Homes had been aware of the proposal for the redevelopment of the garages.

Members considered the application and concern was raised regarding where residents of Whittaker Road would park as on street parking was not achievable due to a slope and narrowness of the road.

- AGREED (with 8 votes for and 1 vote against) that contrary to Officer recommendation, full planning permission be refused for the following reasons:
  - Difficult to access given narrowness of road, with vehicles parked on it at busy periods of time also being mindful of displacement of parking from the proposal;
  - (ii) Topography, slope and position of proposed properties to surroundings having an undue visual impact and loss of amenity to neighbouring residents.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

| Councillor          | Vote    |
|---------------------|---------|
| R.V. Blaney         | Against |
| Mrs A.C. Brooks     | Absent  |
| R.A. Crowe          | For     |
| Mrs M. Dobson       | For     |
| G.P. Handley        | Absent  |
| J. Lee              | Absent  |
| N. Mison            | For     |
| D.R. Payne          | Absent  |
| Mrs P. Rainbow      | For     |
| Mrs S.E. Saddington | For     |
| Mrs L.M.J. Tift     | For     |
| I. Walker           | For     |
| B. Wells            | Absent  |
| Mrs Y. Woodhead     | For     |

(Councillors Mrs A.C. Brooks, G.P. Handley and D.R. Payne returned to the meeting. Councillor D.R. Payne resumed Chairman).

#### 238. ROBIN HOOD CARAVAN PARK, BILSTHORPE (17/00147/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission to undertake works to the west of the existing caravan park in order to facilitate the siting of a maximum of fifteen additional touring caravans.

The Business Manager Growth & Regeneration informed the Committee of the issue of sewage on the site. There were two septic tanks on the site and the current application did not require an additional septic tank. The contamination issue had been passed over to the Environmental Health Business Unit, which was pursuing the problem. The Business Manager informed Members that it was within their gift to ask for a management record to be maintained by way of condition.

Members considered the application and queried whether it was appropriate to agree planning permission for additional pitches when they were aware of a contamination issue on the fields. The Business Manager Growth & Regeneration confirmed that the contamination was not a planning matter and should be dealt with separately.

A Member commented that there was obviously a problem with the septic tanks and that they were perhaps not being emptied as often as they should, or that they were leaking. Another Member commented that the contamination problem needed to be addressed before any further planning permission for pitches was allowed.

A Member commented that the Committee had been provided with current photographs showing human waste and associated toilet paper deposited on surrounding land and informed the Committee that he would refuse the application for that reason. If the applicant was minded to appeal the application, the Authority would inform the Planning Inspector that the applicant was spreading human waste on local fields. He felt that the Council should not condone these actions and should test the applicant on this matter.

A vote was taken and lost to approve planning permission, with 3 votes for, 8 votes against and 1 abstention.

AGREED (unanimously) that the application be deferred pending a report from the Environmental Health Business Unit, to the 6 June 2017 Planning Committee, with a note from the Planning Committee to the Director – Safety asking for this to be given urgent attention.

#### 239. GABLE HOUSE, MORTON (17/00382/FUL)

The Committee considered the report of the Deputy Chief Executive which sought the erection of a four bedroom dwelling to the rear of Gable House.

A Member asked for the application to be deferred, in order for a site visit to take place.

AGREED (unanimously) that the application be deferred pending a site visit.

#### 240. RULE NO. 30 – DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting.

AGREED (unanimously) that the meeting continue.

(Councillor Mrs A.C. Brooks left the meeting during the presentation of the following minute).

#### 241. JANANDRA, HARBY (17/00280/OUT)

The Committee considered the report of the Deputy Chief Executive which sought outline planning permission for the erection of three bungalows on former agricultural land.

A schedule of communication was tabled at the meeting, which detailed

correspondence received after the agenda was published from the Agent.

Councillor Mrs J. Rose, representing Harby Parish Council, spoke in support of the application in accordance with the views of Harby Parish Council.

Members considered the application and it was felt that Harby was very successful in keeping their community services, which most other communities had lost. They had undertaken a community led plan, which had indicated the need for further housing in the village, as families had left the village, due to there being a shortage of family houses. The village was an SP3 village, but had a pub, shop, school and church. A voluntary car sharing scheme and mobile shop was also in place. It was commented that the report had indicated that the proposed dwellings would be in a flood zone; however there had been no reported flooding in the past. A Member commented on the characteristics of the street scene as the other properties along the main road faced the road. He felt uncomfortable with the private driveway off the main road, which would service the three properties and felt that the scheme would be more in keeping if the application was reduced to two dwellings and the properties could be positioned facing the road. Another Member commented on the need for the houses in the village and suggested that as the application was for outline planning permission, the arrangement of the properties could be altered.

The Business Manager Growth & Regeneration advised the Committee that the application before them was for three dwellings.

It was therefore suggested that the application be deferred for a site visit and to allow time for negotiations to take place with the applicant on behalf of the Committee to negotiate a reduction in site area (to remove the part of the site in the Flood zone and to restrict development to being sited along the frontage) and to seek a reduction in the number of proposed dwellings from three dwellings down to two dwellings for further consideration.

AGREED (with 10 votes for and 1 abstention) that the application be deferred pending a site visit.

# 242. <u>SCHEME OF OFFICER DELEGATION FOR PLANNING APPLICATIONS FOR GYPSY AND</u> <u>TRAVELLER SITES</u>

The Committee considered the report of the Deputy Chief Executive which considered amending the scheme of delegation to allow delegated decisions with respect to Gypsy and Traveller applications in circumstances where the Officer recommendation accords with the views of the Parish Council. They were also asked to consider amending the scheme of delegation in order to ensure that any comments from a Parish Council that would trigger a requirement to go to Planning Committee constitute a material consideration.

The current Planning Committee Scheme of Delegation, reproduced at Appendix A to the report, did not allow for Officer delegation to determine planning applications relating to Gypsy and Traveller sites, irrespective of whether the Officer recommendation was agreed by all consultees involved, including the relevant Town or Parish Council. Delegated decision making in respect of Gypsy and Traveller pitches was expressly excluded in section 1.

Section 2 of the Scheme of Delegation allowed Officer delegation in certain circumstances, including where the recommendation was in accordance with the views of the relevant Town or Parish Council. Gypsy and Traveller applications, (which were categorised for the avoidance of doubt as DCLG code 17) were not included. This was not the case for all other residential development whereby Officers could exercise delegated authority if their recommendation was in accordance with the views of the relevant Parish or Town Council. The reasons for the exclusion of Gypsy and Traveller applications from this section were unknown albeit this had been the case for at least 10 years given that previous DCLG codes were referred to.

It was recommended that the scheme of delegation be revised in order to ensure that planning applications for Gypsy and Traveller pitches were treated the same way as any other residential planning application in that Officers be permitted to determine the application under delegated powers in circumstances where that decision was in accordance with the wishes of the relevant Town or Parish Council. Suggested changes to the current scheme of delegation were detailed at Appendix A to the report, using underlined text.

With respect to Parish or Town Council comments, the current scheme of delegation required that certain planning applications be determined by the Planning Committee in circumstances where the Officer recommendation was different to the views of the relevant Town or Parish Council. The vast majority of Town or Parish Council comments did focus on material planning considerations, albeit this was not always the case (e.g. the parish do not want any more houses, or the parish felt that there was a better alternative use for a site). Elected Members were required to cite a material planning reason in order to reserve a particular application to a Planning Committee. It was recommended that Parish and Town Councils should be required to do the same, as detailed in the bold text detailed in Appendix A to the report.

AGREED (unanimously) that:

- (a). the scheme of delegation be amended as detailed at Appendix A of the report; and
- (b). the proposed amendment to the scheme of delegation in respect of comments/objections from Parish Councils be communicated to Parish and Town Councils and that the Business Manager Growth & Regeneration writes to all Town and Parish meetings to explain the changes and to set out examples of what can and cannot be considered as a material planning consideration as set out in Appendix B of the report.

#### 243. <u>APPEALS LODGED</u>

AGREED that the report be noted.

#### 244. <u>APPEALS DETERMINED</u>

AGREED that the report be noted.

The meeting closed at 7.08pm

| Application No: | 16/02086/OUTM   |
|-----------------|---|
| Proposal:       | Residential Development of up to 51 No. dwellings   |
| Location:       | Land North of Maid Marion Avenue, Bilsthorpe  |
| Applicant:      | Messrs BR, PJ & SJ Rhodes   |
| Registered:     | 11 <sup>th</sup> January 2017 Target Date: 12 <sup>th</sup> April 2017<br>Agreed Extension of Time: 9 <sup>th</sup> June 2017 |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Bilsthorpe Parish Council has objected to the application which differs to the professional officer recommendation.

## <u>The Site</u>

The application site is a broadly triangular plot approximately 3.45 hectares in extent on the western side (and within) the village envelope of Bilsthorpe. The site as existing comprises agricultural land currently fallow. The land gently rises diagonally from the northeast to south west by approximately 2m. There is an existing access to the southern corner of the site from Maid Marion Avenue.

The site is surrounded by residential development along Maid Marion Avenue to the south and Thornton Close and Kirklington Road to the east. There is an existing recreational ground adjacent to the south eastern corner of the site. The site is adjacent to the Southwell Trail which is a cycle and pedestrian route ultilising a disused railway line closed in 1968, connecting Bilsthorpe with Southwell. The site is also within 5km of the Birklands & Bilhaugh SAC. The site is within Flood Zone 1 as identified by the Environment Agency maps. The site is adjacent to, but outside of, the designated conservation area.

#### **Relevant Planning History**

The site was assessed through the Strategic Housing Land Availability (SHLAA) 2010. The site was also subject for an application for residential development which was refused in 2002 (reference 02/02210/OUTM).

## The Proposal

The original application sought outline planning permission for up to 93 dwellings with associated roads and landscape areas. However, following negotiations during the life of the application, notably to address the concerns of NCC Flood and NSDC Conservation, a revised indicative site

layout was received on 16<sup>th</sup> May 2017 which confirmed that the proposal sought outline planning permission for up to 52 dwellings. The description of development was amended accordingly and an additional round of consultation undertaken.

However, officers noted that the indicative layout presented actually demonstrates the delivery of 51 units. This was queried with the agent and confirmation has been received that the applicant wishes for the description of development to be amended to 'up to 51' units as presented by the revised indicative layout (corrected version with annotation of 51 units received 25<sup>th</sup> May 2017). Given the minor change, officers have not undertaken further re-consultation on the revised description of development but for the avoidance of doubt the appraisal of the Business Manager is taken on a scheme for up to 51 units.

The indicative site layout plan demonstrates that the vehicular access would be served from the existing access from Maid Marion Avenue. An emergency access is also demonstrated from Thornton Close to the north eastern boundary of the site.

# Departure/Public Advertisement Procedure

Occupiers of 75 properties have been individually notified by letter. A number of site notices have been placed around the site and in the village and an advert has been placed in the local press.

## **Planning Policy Framework**

## The Development Plan

# Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type and Density
- Core Policy 9 Sustainable Design
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 Historic Environment
- ShAP1 Sherwood Area and Sherwood Forest Regional Park

## Allocations & Development Management DPD (adopted July 2013)

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 Development Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment

Policy DM10 – Pollution and Hazardous Materials Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- NSDC Developer Contributions and Planning Obligations SPD Adopted Dec 2013

## **Consultations**

**Bilsthorpe Parish Council** - Bilsthorpe Parish Council would like to raise the following concerns to Newark and Sherwood District Council, Planning Department and Committee also Nottinghamshire County Council Highways Department.

## Background

In January 2017 a development of 113 dwellings on Oldbridge Way, Bilsthorpe was approved by NSDC Planning. This would potentially increase traffic within the village with approximately 226 vehicles. The Parish Council raised concerns both in writing and verbally to the planning committee meeting regarding the impact the increased traffic would have on the roads within the village, particularly the one way system on the Crescent that accesses the development and the access road junctions into and out of the village where Mickledale Lane joins the A614 and Farnsfield Road joins the A617. These concerns were not acknowledged and outline planning was approved.

## Current situation

An outline planning application has been raised for up to 93 dwellings on land off Maid Marian Ave, Bilsthorpe and a further 85 dwellings and retail development is planned for land off Eakring Road, Bilsthorpe potentially bringing an increase of 356 vehicles and associated delivery and business traffic.

## Points to be raised

- Maid Marian Ave and Highfields Drive have cars parked on the road outside properties that impedes vision and the flow of traffic.
- The junction of Maid Marian Ave and Kirklington Road is situated by 4 busy shops, one being open from early morning until late evening, thus bringing an increase in traffic parking and movement around the junction. Cars are parked on the pavements in front of the shops, in the layby immediately in front of the shops and over the road from the junction on Kirklington Road preventing a safe view for pedestrians and manoeuvring traffic. A bus stop is situated within 15 metres to the left of the junction on Kirklington Road. At peak times this area is chaotic and feels unsafe without the additional traffic the development would bring.

- Eakring Road, Bilsthorpe is a well-used road with commercial and heavy goods vehicles in addition to cars. The speed of traffic is a concern on this road and several accidents have occurred involving speed. The village Youth Club is situated on this road. With a new development of housing and a proposed retail unit this will increase the risks on this road. Developers have indicated that if a retail unit is built a roundabout at the junction of Mickledale Lane and Eakring road would be considered. The Parish Council would like to request a roundabout is built for the housing development as this would assist in slowing traffic as it enters the village.
- For many years residents of Bilsthorpe have raised concerns with the risks involving the junctions that take traffic out of the village onto major trunk roads.
- The Mickledale Lane junction with the A614 has recently had "improvements" in the form
  of pedestrian islands, which in fact reduce visibility for road users, reduced speed limit to
  50 mph and better lighting. Traffic from Mickledale Lane can go left, straight over or right
  with right turn lanes directly on the junction for traffic turning into Inkersall Lane/Limes
  Café or Bilsthorpe. At peak times queues form due to the volume of traffic, it being a direct
  route from the A1 to Nottingham, and the inadequacy of the junction.
- The Farnsfield Road junction with the A617 is a busy road that links the A1 with the M1 and is a major route for traffic from the A1 to Mansfield. It has poor visibility due to bends both left and right of the junction. Recently the speed limit has been reduced to 50mp which has helped however vehicles due tend to speed on that road.
- Residents say they feel land locked at peak times, feel extremely stressed when using these junctions and talk of experiencing and witnessing near misses on a regular basis.
- Bilsthorpe Parish Council, while in principle welcomes development of the village, has major concerns regarding all the points raised in this document and ask that this is considered in any current or future planning applications and that these issues can be addressed as soon as possible.

**NCC Highways Authority** – This application is an outline application and all matters other than site access are reserved.

Although the principle of the development is acceptable, at detailed stage, there will need to be amendments to the internal layout to avoid long straights, to deter excess speeds.

Drawing No. 16/232/PL/001 demonstrates the improvements proposed to the existing access point from Maid Marian Avenue to enable implementation of the development.

This is acceptable to the Highway Authority.

Therefore, the following conditions apply:

1. No development shall commence on any part of the application site unless or until a suitable access has been provided at Maid Marian Avenue/Highfields Drive, as shown for indicative purposes on plan 16/232/PL/001 to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.

2. The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, gradients, surfacing, street lighting, and drainage (hereinafter referred to as reserved matters). All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide (6C's) and shall be implemented as approved. **Reason:** To ensure the development is constructed to adoptable standards.

## Notes to applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code (APC) in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

Please contact david.albans@nottscc.gov.uk for details of Section 38/APC procedures.

## Identical comments received in respect of the amended masterplan.

**NCC Planning Policy** - Thank you for your letter dated 11th January 2017 requesting strategic planning observations on the above planning application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

#### Planning Policy Context

#### National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

#### Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that: - the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.' In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

## Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'* 

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should: - 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals

## Safeguarding Areas;

- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'. In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

*When determining planning applications, local planning authorities should:* 

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that 'they have an important role in safeguarding minerals in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'

# Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.* 

# Healthy communities

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF set out ways in which the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It states that planning policies and decisions should:

- plan positively for the provision and use of community facilities in order to enhance the sustainability of communities;

- ensure an integrated approach to considering the location of housing, economic uses and community facilities.

Paragraph 171 of the NPPF relates to health and well-being and encourages local planning authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

With regard to public rights of way, paragraph 75 points out that they should be protected and enhanced, and *'local authorities should seek opportunities to provide better facilities for users'*.

## Education provision

## Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and

- work with schools promoters to identify and resolve key planning issues before applications are submitted.'

## **County Planning Context**

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

#### Waste

In terms of the Waste Core Strategy, there are no existing waste management facilities in close proximity to the proposed development to raise any issues in terms of safeguarding existing waste management facilities (as per Policy WCS10 of the Waste Core Strategy).

The County Council would, however, be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

#### Minerals

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site is partly covered by a Mineral Safeguarding and Consultation Area (MSA/MCA) for brick clay. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan (Submission Draft, consultation Feb 2016) sets out a policy (DM13) concerning these areas. Although not yet adopted, its provisions should be given some weight as a material consideration (in line with NPPF paragraph 216) as the Plan is at a fairly advanced stage. As it currently stands, DM13 requires applicants for planning

permission to demonstrate that the non-minerals development will not unnecessarily sterilise the mineral resource in the area. Where this cannot be demonstrated, or where the need for the nonmineral development is clear and demonstrable, the County Council would require that the practicality of prior extraction be fully investigated.

There are two brick works within the County, at Kirton and Dorket Head (Arnold). A permitted extension to Dorket Head means that the site now has reserves sufficient until 2034. This does not provide the 25 year landbank as set out in the National Planning Policy Framework, however, the operator has not identified any further reserves for allocation as part of the development of the Minerals Local Plan. An extension to Kirton is allocated in the Minerals Local Plan Submission Draft which provides reserves sufficient to provide more than a 25 year landbank.

Given the location of the development, surrounded on three sides by residential properties and the current situation at the two existing brick works, the County Council is of the opinion that the proposed non-minerals development would not be inappropriate in this location providing there is a sound argument that identifies a clear and demonstrable need for the non-minerals development. Given the location of the site on the edge of the MSA/MCA the County Council would not expect the applicant to demonstrate that they have considered the practicality of prior extraction in this instance. However, given the nature of the mineral the County Council would advise the applicant that the prior extraction of brick clay has the potential to not only prevent the sterilisation of the mineral, but may also be of benefit to them if any groundworks are necessary to facilitate the development.

## Strategic Planning Issues

#### Public Health

The local health report contained in Appendix A identifies that many of the health indicators are not better than the England average.

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population: http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx. This states the importance that the natural and built environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire: http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-andwellbeing-board/strategy/

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications: http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44. It is recommended

that this checklist is completed to enable the potential positive and negative impacts of the application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health. Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is significantly better than England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – http://www.tcpa.org.uk/data/files/Health\_and\_planning/Health\_2014/PHWE\_Report\_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Mansfield and Ashfield Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

Given that limiting long term illness or disability is significantly worse than the England average, the development needs to ensure that it is age friendly providing good access to health and social care facilities.

Highways and Flood Risk Management to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

#### Strategic Transport

The County Council does not have any strategic transport planning observations to make. Transport and Travel Site access has been suggested via a new entrance onto Maid Marian Avenue with the closest bus stops approximately 400 metres away from the centre of the site on Kirklington Road.

## Bus Service Support

The County Council has conducted an initial assessment of the site in the context of the local public transport network. The residents of Bilsthorpe are served by 2 commercial services operated by Stagecoach. Service 28b operates between Mansfield and Eakring whilst the Sherwood Arrow service links Bilsthorpe with Nottingham and Ollerton. Both services operate to an hourly frequency. This service also operates to Worksop and Retford on alternate hours.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

## Infrastructure

The current infrastructure observations from photographic records are as follows:

NS0029 Benet Drive – Bus Stop Pole, Polycarbonate Bus Shelter and Raised Boarding Kerbs.

NS0601 Benet Drive – Bus Stop Pole and Raised Boarding Kerbs.

The following improvements are requested:

NS0029 Benet Drive – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, New Polycarbonate Bus Shelter, Solar Lighting and Enforceable Bus Stop Clearway.

NS0601 Benet Drive – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway.

To this end, the County Council requests that the following condition be attached to any planning permission:

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on Kirklington Road (NS0029 and NS0601) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, bus shelter (NS0029 only), solar lighting (NS0029 only) and enforceable bus stop clearways.

Reason: To promote sustainable travel.

Further information can be supplied through developer contact with the County Council's Transport & Travel Services (email: ptdc@nottscc.gov.uk, tel. 0115 9774520)

## Nature Conservation

The proposal is not likely to significantly affect (i) designated nature conservation sites, (ii) significant areas of Habitats of Principal Importance, and/or (iii) populations of protected or otherwise notable species. On that basis, detailed comments are not being provided.

Nevertheless, Newark and Sherwood District Council should ensure that the recommendations made in the Extended Phase 1 Habitat Survey (dated July 2016) that accompanies the application are secured as necessary through appropriate conditions, in particular:

- Hedgerow protection (para. 7.4.2.7)
- Protection of oak tree identified as TN 1 (para. 7.5.1.4)
- Use of a bat-sensitive lighting scheme (para. 7.5.1.7.1)
- Timing of vegetation clearance in relation to nesting birds (para. 7.5.2.2)
- Installation of bird boxes (paras. 7.5.2.3 7.5.2.7)

Conditions should also require:

- The submission of a detailed landscaping scheme
- The installation of integrated bird and bat boxes into a proportion (10%) of the new dwellings.

#### Countryside Access

It is noted from the site plan and the Design and Access Statement that a direct link from the development to the Southwell Trail (owned by the County Council) is planned. This will undoubtedly increase use of the Trail at least as far as Farnsfield. Therefore, a contribution to the cost of upgrading this section of the Trail and to the increased cost of routine maintenance will be required to account for this increased use. Further, it is important that the pedestrian/cycle link connects to the surfaced part of the Trail and not into the car park. The health and safety impacts of introducing additional pedestrians to an area where cars are moving are clear and should be avoided. Therefore, a path linking the development boundary and the existing surfaced Trail should be included in the development. This work should be done in consultation with the County Council's Green Estates Team. Unfortunately the County Council is currently not in a position to install a suitable path.

The other main point relates to site drainage. Firstly, the drain on the western boundary of the development site (the Southwell Trail boundary) currently carries (in part at least) a significant flow of water, particularly after heavy rainfall. It is important that the development does not in any way reduce the function of this drain. Therefore, it is suggested that a stand off from the garden fences to the lip of the drain of at least 5 metres be included in the plans. Such area is required, because householders often deposit garden waste into woodland at the rear of their

properties. This would only need to happen in a few cases for the drain to become blocked and flooding to result. Secondly, the Design and Access Statement indicates that site drainage will be controlled in tanks, but through existing drains. If the drain draining west from the Southwell Trail is to be used work will be required to increase its capacity, since it currently flows slowly at times of high rainfall. This work should be included as part of the development and again be done in consultation with the County Council's Green Estates Team (tel. 01623 822944 ext 2242) Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

## Education

A proposed development of 93 dwellings would yield an additional 20 primary and 15 secondary places. The County Council would therefore wish to seek an education contribution of £229,100 (20 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education, the development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations. Further information about the contribution sought and the justification for this can be found in the email to you from Andrew Norton dated 30th January 2017.

#### Libraries

In terms of libraries, the County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 223 population that would be occupying the new dwellings. This is costed at 223 (population) x 1.532 (items) x £12.50 (cost per item) =  $\pounds4,270.45$ .

#### **Conclusion**

The County Council does not wish to raise any strategic planning objections to the proposals but would recommend that the application be supported by a waste audit, that prior extraction of brick clay is considered, that this development is discussed as part of the Mid Nottinghamshire Local Estates Forum and that Mansfield and Ashfield Clinical Commissioning Group is consulted.

The County Council would also request that the issues detailed above regarding the Southwell Trail and drainage are addressed. These issues were previously raised in the County Council's letter dated 20th September 2016 regarding the pre-application consultation ref. PREAPP/00184/16.

Should the District Council be minded to grant permission for the proposal, the County Council would request that it is subject to conditions regarding bus stop enhancements and ecological mitigation and enhancement.

The County Council would wish to seek developer contributions towards primary education and libraries provision, as detailed above.

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

**NCC Developer Contributions** - In respect of education; a proposed development of 93 dwellings would yield an additional 20 primary and 15 secondary places. We would therefore wish to seek an education contribution of £229,100 (20 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education; the development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations. Further information about the contribution sought and the justification for this can be found in the attached document.

In respect of libraries, we would seek a developer contribution for the additional stock that would be required to meet the needs of the 223 population that would be occupying the new dwellings. This is costed at 223 (population) x 1.532 (items) x £12.50 (cost per item) = £4,270.45

**NCC Rights of Way** - No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered. Walked 'desire lines' are evident on site and the development may prompt a claim for them to be registered.

NCC Archaeology – No comments received.

Nottinghamshire Wildlife Trust – Comments not specific to current application.

**Nottinghamshire Ramblers** - This development will adjoin Bilsthorpe BW7 (The Southwell Trail), a well-used right of way. We have no objection as long as there is no encroachment on BW7 during and after the construction process.

**Environment Agency** – This site falls in Flood Zone 1 and should be referred to the Lead Local Flood Authority for advice on the sustainable disposal of surface water.

NCC Flood – Original comments as follows:

Object - A significant percentage of the site is shown as being at risk of surface water flooding and the FRA fails to either identify or address this issue.

*Revised comments received* 11<sup>th</sup> *May* 2017 *following submission of a revised indicative masterplan:* 

No objection in principal subject to the following comments

- 1. A significant percentage of the site is shown as being at risk of surface water flooding and this must be taken into account and mitigated during detailed design to ensure no new properties are put at risk of flooding and the risk of flooding to the surrounding area is not increased. The developer is urged to familiarise themselves with the potential complications that this may incur.
- 2. Any approvals given should be based on Masterplan Version 2 as submitted and any amendments to this will only be considered if detailed evidence is provided to prove the extent of the area at risk of flooding. Any evidence should be based on a hydraulic model of the catchment.
- 3. No construction should start until a detailed surface water design and management plan is submitted to and approved by the LPA.

**Severn Trent Water** - With reference to the above planning application the Company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

# Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

## Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

# Suggested Informative

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Should you require any further information please contact us on the telephone number or email below.

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Drainage Board district and catchment.

**NSDC Environmental Health (noise)** – No comments to make.

**NSDC Environmental Health (contaminated land)** - With reference to the above development, I have received a Phase I Desktop Study report submitted by the consultant (GEO Environmental Engineering) acting on behalf of the developer.

This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

The report identifies a potential onsite source of contamination as made ground from infilling works. The report then concludes with a series of recommendations including a scope of intrusive investigations/targeted soil sampling to be carried out. I will await the completion of the phase 2 detailed site investigation report prior to commenting further.

**NSDC Parks & Amenities** - As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of up to 93 dwellings will need to make provision for public open space in the form of provision for children and young people (18m2 per dwelling) and amenity green space (14.4m2 per dwelling). The layout plan accompanying the application shows an area of public open space of c1,000m2 and this goes someway to fulfilling the amenity green space requirement; however this still leaves a shortfall in amenity green space (c339m2) and provision for children and young people. The site lies adjacent to an existing recreation ground and I thus believe that these shortfalls should be addressed through the payment of off-site commuted sums for the provision/improvement and maintenance of children's playing space and amenity green space on the Maid Marion Avenue recreation ground. The site layout does not show a direct link into the recreation ground from the new development and if possible this should be provided.

Given its proximity within 5km of the Birklands and Bilhaugh SAC the development should also provide a contribution towards Sustainable Alternative Natural Green Space and I believe this could usefully be applied through a commuted sum towards improvement and maintenance of the Southwell Trail Local Nature Reserve which again lies immediately adjacent to the site.

I note that the development site currently has some biodiversity value and wherever possible features such as trees and hedgerows should be retained and appropriate mitigation measure should be undertaken should valuable ecological habitats be lost.

**NSDC Community Sports & Arts Development** - I have no objections to this application. The existing village hall in Bilsthorpe is in need of investment and aligned to this is the former squash and sauna centre at the rear of the village hall. If this application is approved I would strongly suggest that a community facilities contribution be secured for the full amount and that this be allocated to improvements to the village hall and attached former squash and sauna centre. Specifically the village hall is in need of refurbished toilets and kitchen, improvements to the entrance, upgrades of the heating and electrical installations as well as general improvements to windows and doors and a full redecoration. In essence the hall is need of a major upgrade. Further information can be supplied on request.

*Further comments received 12<sup>th</sup> May 2017:* 

I have no objections to this application in principle subject to a full community facility contribution being made in accordance with the current Developer Contribution SPD. Such monies to be allocated to the refurbishment of Bilsthorpe Village Hall and former Squash and Sauna Centre (now a community heritage and resource centre). The buildings need major upgrades including toilets and kitchen refurbishment, new plaster, windows, flooring and wiring as well as a redecoration both internally and externally. I have sent you pictorial evidence of the current building as evidence of the need for significant improvements.

**NSDC Strategic Housing** – Therefore the following affordable housing requirements for the proposed site in Bilsthorpe is 27 units out of a total of 93 dwellings.

**NSDC Conservation** – The proposal site comprises an open field to the west of Kirklington Road and north of Maid Marion Avenue. 56 Kirklington Road adjoining the proposal site to the southeast is Grade II listed. The proposal site also abuts Bilsthorpe Conservation Area on its northeast side. On rising land to the east are the important listed buildings comprising the Grade I Church of St Margaret and Manor Farmhouse.

The proposal site is identified on the Nottinghamshire County Historic Environment Record (HER) as an area of archaeological interest associated with late medieval settlement.

#### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development that affects the setting of designated heritage assets (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that aside from NPPF requirements such as social and economic activity and sustainability, key design issues to consider in proposals affecting the historic environment are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new development to dominate designated heritage assets or its setting in either scale, material or as a result of its siting (paragraph 41).

In accordance with Annex 2 of the NPPF, areas of archaeological interest are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

## Significance of heritage asset(s)

56 Kirklington Road is Grade II listed. It was designated in August 1979. The house comprises a modest 2 storey cottage range in brick with a pantile roof. The building originates from the early 18<sup>th</sup> century.

Bilsthorpe Conservation Area (CA) was designated in 1985 and covers the historic core of the medieval settlement.

The Church of St Margaret on Church Hill is Grade I listed and was designated in 1986. It is a medieval Parish church with significant 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> (1663) century phases. It was restored in 1873 by T. C. Hine, an architect of regional importance. It comprises a west tower, nave, chancel, vestry, south transept, and south porch, and is constructed in squared dressed stone, snecked stone and ashlar dressings with a plain tile and 20<sup>th</sup> century slab tile roofs. The west tower is 14<sup>th</sup> century and altered in 1663, being 2 stages with a chamfered plinth, string course and crenellated parapet with 2 obelisk pinnacles to the west. The boundary wall and steps are separately listed (Grade II; designated 1986).

The Church has group value with Manor Farmhouse, Church Hill (Grade II, designated 1986). This is a 17<sup>th</sup> century farmhouse with 19<sup>th</sup> century additions and alterations. 2 and half storeys, timber framed and brick, partly rendered, with a pantile roof.

#### Assessment of proposal

The proposal seeks outline permission for up to 93 dwellings with all matters reserved other than access.

Notwithstanding archaeological potential within the site, Conservation accepts that the concept of residential development on this site is not entirely out of character with adjoining modern urban

extensions to Bilsthorpe, notably development to the south of Maid Marion Way, Thornton Close to the northeast, and Forest Link to the north. However, the proposal site currently provides open field setting to 56 Kirklington Road, a clear visual link to its rural past.

Although the indicative layout is not formally for consideration, it demonstrably shows that significant harm will be caused to the setting of the listed building.

In a wider context, a proposal following this layout could also have some minor adverse impact on the setting of the CA and Church of St Margaret.

Conservation <u>objects</u> to the proposed development. No indicative details have been submitted which might lead me to conclude that development might be achieved successfully on this site without causing harm, and therefore I find that no clear and convincing justification has been made (as per paragraph 132 of the NPPF). A standardised layout with housing backing onto 56 Kirklington Road is likely to erode its special interest, fragmenting its rural significance and dominating its setting.

Harm to the setting of listed buildings fails the objective of preservation required under section 66 of the Act.

It is possible that an indicative layout which provides for a reasonable open landscape setting around 56 Kirklington Road could address our concerns. This may necessitate a reduction in housing provision. In addition, although a heritage statement is provided, no commentary is offered in terms of potential impact on other heritage assets (notably the CA and Church). Consideration should be given to these matters so that we can be more certain on likely impacts, even if precise details might be dealt with at a later stage.

The applicant is advised to seek archaeological expertise. I would anticipate that an archaeological desk-based assessment, including if appropriate, relevant field work will be required in accordance with paragraph 128 of the NPPF.

The applicant has submitted additional information in an attempt to address the above concerns during the life of the application. This has been subject to further review and the following comments have been received:

The revised proposal now seeks outline permission for up to 51 dwellings with all matters reserved other than access.

Conservation now accepts that residential development could potentially be achieved on this site without harming the setting or significance of nearby heritage assets. The flood risk area has significantly reduced the quantum of development, notably on the eastern side closest to 56 Kirklington Road, helping to provide a buffer area which is capable of preserving the setting of nearby listed building. Nevertheless, any subsequent reserved matters application will be required to demonstrate a satisfactory approach to scale, form, appearance and layout within the setting of heritage assets, notably 56 Kirklington Road.

Conservation therefore withdraws its objection. Subject to appropriate conditions, Conservation considers that the indicative layout is sufficient to demonstrate that development could be achieved on this site without harming the setting of nearby listed buildings or the CA.

We acknowledge that the applicant has sought archaeological advice and submitted a desk-based assessment in accordance with paragraph 128 of the NPPF. I otherwise defer to the County Archaeologist on archaeological matters.

# **NSDC Access and Equalities Officer –** Observations in relation to Building Regulations.

**NATs** - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

NHS – No comments received.

# Newark and Sherwood CCG – No comments received.

# During the original round of consultation, representations were received from 45 local residents/interested parties which can be summarised as follows:

## *Principle of Development*

- The number of houses seems to be high given the size and access to the site
- The proposed density doesn't reflect the village nature of the site
- Many green areas in Bilsthorpe have been lost in recent years due to new housing and industrial development
- This site is not crucial to meet the target of 354 dwellings from the Allocations document
- The number of units should be reduced to allow for better landscape screening
- The reasons for refusing the 2002 outline application are still valid 02/02210/OUTM
- The application submission is lacking of certain key policies
- The development will spoil the peace and quiet of a country village
- There are already a lot of houses for sale in Bilsthorpe
- Building homes here will be a waste of the public money spent on developing the allocated sites
- The site has been allowed to deteriorate from good farmland

- A greenfield site should not be developed when there is the former egg factory at the other side of the village
- With only one access, those living at the far end of the development would find it difficult to gain access to the buses and shops
- Support new housing to promote the village and to allow young families to stay in the village

## Impact on Highways

- Given the rural location more consideration is needed to reflect the parking requirements
- Thornton Close as an emergency access is wholly inappropriate given the on street parking requirements of the residents
- Maid Marion Avenue is narrow frequented by parked vehicles
- Traffic from the new dwellings will access and leave via either Maid Marion Avenue or Highfields Drive onto Kirklington Road in recent years this has become a very busy road
- The junction of Highfields Drive and Kirklington Road is particularly pragmatic due to parked vehicles around the shops
- The traffic data suggests there would be 0.87 vehicle per household which is an underestimate of car usage
- The proposal indicates that the pathways on Maid Marion Avenue will be reduced to 1.4m – insufficient width for a pushchair or wheelchair to pass
- Bus provision is not frequent and is slow to reach destinations
- There is a roundabout at the end of the new estate which could easily be used instead of the narrow Maid Marion Avenue
- Traffic is rerouted through Bilsthorpe when there is a problem on the A614 or the A617
- Traffic through the village is already high
- There are blind bends especially at the exit of Thornton Close
- The standard of the road is bad due to pot holes
- There is no promotion for cycling
- The bridge at Thornton Close to the site will not support emergency vehicles

- Road safety issues have not been adequately dealt with through the applicants submissions
- Weight limits for vehicles are often ignored
- The layby in front of the shops reduces visibility to an already difficult junction
- There is no scope for widening the road without narrowing the pavement
- There is inadequate width for emergency vehicles, refuse trucks and delivery lorries
- Traffic would be dangerous to the users of the play park
- Footways of at least 2m should be provided each side of the carriageway
- If the application is approved there should be traffic lights at the junctions with the A614 and A617

## Impact on Wildlife

- The site is an important habitat for wildlife
- The site is home to / frequented by reed buntings, bullfinches, barn owls, bats, butterflies, bees and hedgehogs
- The removal of trees could affect bat habitats further surveys should be done to ensure the planning authority have sufficient knowledge as to the presence / absence of a European Protected Species
- There is clearly a sufficiently large population of small mammals on the site
- Given that the site is often waterlogged there should be a Great Crested Newt survey
- Bats are often seen flying in the vicinity of the site
- According to the RSPB it is likely that where one owl exists there will be a pair nesting
- There is a family of foxes which have a den in the hedgrerow
- There are Brown Hawker Dragonflies in the summer months which has been confirmed by the invertebrate insect specialist at Nottingham University
- There was a 10 year protection on the field when neighbouring houses were built
- The report by GEO Environmental Engineering states that no nature reserves are within 250m of the development this is incorrect the site is next to the Southwell Trail
- Frogs, toads, invertebrates, ducks and more species have been spotted in the waterways within and around the site

- Photographic evidence has been supplied demonstrating the species omitted from the ecological surveys
- The loss of hedgerow between the properties in Main Marion Avenue and the site is protected

## Impact on Amenity

- Houses at the moment are not overlooked
- The development would create overlooking which would be imposing and intimidating
- The development would overshadow neighbouring gardens
- Head lights will shine directly into neighbouring properties
- Properties are shown too close to the boundaries
- The development will ruin the quality of life for neighbouring residents
- Properties were bought for open views these have already been spoiled by wind turbines, the proposal would mar views even more

## Impact on Character including Heritage

- The applicant has omitted any material consideration of the setting, curtilage and character of the Grade II listed building at 56 Kirklington Road
- The heritage statement contains inaccuracies in relation to the Grade II listed 56 Kirklington Road such as failing to acknowledged significant aspects and failing to refer to windows
- Plots 16, 18 and 19 should be removed to preserve the curtilage, setting and aspect of the Grade II listed property
- There is no mention of Conservation

## Impact on Flooding / Drainage

- The ground on the site is regularly waterlogged the additional house could significantly affect the flood risk in existing developments within the village
- There is on street flooding on Maid Marion Avenue and the High Street during heavy periods of rain
- Severn Trent Water submitted a notice stating that a public sewer crosses the site and that no building should be erected or tree planted within 2.5m of the sewer

- The report does not state the exact location of where the flood may be
- There is a ditch which runs to the east of the site which is a particular problem area it requires regular maintenance
- The drains cannot cope with additional development
- There were problems signing drains off for the new development in 2005/6
- The requirement for SUDs arrangements have not been addressed to any great degree
- The sewer at Thornton Close has no spare capacity and may have been installed at a wrong lower level than the main sewer in Kirklington Road

# Impact on Infrastructure

- Schools, health services and limited retail outlets cannot cope with the increased population from this and other developments in the village
- The GP surgery is oversubscribed by 1300 patients even without this development
- Parking at the GP surgery is already limited
- There are hardly any employment opportunities in the village now that Noble Foods has shut down
- The postal counter has been reduced in size and parking is limited
- There is no geographical or historical 'centre' to Bilsthorpe on which the village can focus
- Residents living in the old part of the village have a 20 to 25 minute walk if they need to visit the former mining community amenities many choose to use the car
- As more homes have been built there has been little or no improvement to the villages amenities in fact the opposite has occurred with closures
- There are not enough facilities in the village

# Other Matters

- The construction phase will disrupt neighbouring residents
- The public open space is beneficial but would be better if it is linked up with the existing recreation ground on Maid Marion Avenue and the play equipment upgraded
- The construction traffic would create a hazard to the young and the elderly
- The construction traffic in the village will already be increased by the incinerator
- There are inconsistencies within the submitted documents
- The proposal is purely for the financial gain of the developers
- There is a constant smell of gas at the bend of Kirklington Road which has not been resolved
- Building access points into an otherwise enclosed street exposes residents to an increased risk of crime
- The gates into the field are in separate ownership and permission has not been granted to gain access to the land
- Historic maps show that there were public footpaths on the site
- Working times for construction should be restricted between 8 5 Mon to Friday and 8 -1 Saturday

An additional 9 letters of representation have been received specifically in relation to the reconsultation on the amended indicative site layout received 12<sup>th</sup> May 2017:

- The plans still include land not belonging to the applicant
- There will still be problems with additional traffic
- Matters of ecology are still an issue
- There are safety issues in respect of school children crossing roads
- The GP is no longer accepting new patients
- Neighboring dwellings have not received notification of re-consultation
- Concerns over how the buffer zone shown for the listed building would be implemented on site
- The access is still too narrow
- Infrastructure is already unable to cope and Bilsthorpe already has recent development approved
- The plans show a drain which is actually a surface water ditch

### Comments of the Business Manager

### Principal of Development

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should 'proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.' NPPF indicates that this will be achieved first and foremost, by local planning authorities, 'using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the planled system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which has reserved matters consent allowing a start in June 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (S106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see http://www.newarksherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/H MA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see https://consult.newark-

<u>sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome</u>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be an Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making.

Bilsthorpe is identified as a 'Principal Village' through the Spatial Strategy (Spatial Policies 1 and 2), with the settlement being apportioned 25% of the 10% of growth directed towards this level of the hierarchy. This equates to 354 dwellings over the plan period (2006-2026). Taking account of previous completions and extant commitments sufficient additional sites were identified through the Development Plan process to meet the housing needs of the settlement. Subsequently however the outline commitment on the former Noble foods site (50 dwellings) has lapsed. On paper this has led to a small shortfall set against Bilsthorpe's requirements over the plan period.

The direction of travel indicated through the emerging Plan Review process is also worth noting. Through this process amendments to the District-wide dwelling requirement, the settlement hierarchy and the distribution of growth within are proposed. As highlighted in the recent 'Preferred Approach – Strategy' consultation document there would also be a shortfall in meeting the amended requirements for the settlement. It is however understood that a comprehensive scheme including both the allocation Bi/Ho/2 and the area previously subject to outline consent, at Noble Foods, is currently being prepared and will be submitted shortly redressing the housing supply shortfall.

In any case, regardless of the current housing land supply position, the level of development identified for the settlement is not an upper limit and support is provided through Policy DM1 for additional housing development within the Village Envelope. This is subject to the level being appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with other relevant aspects of the Development Plan. The site is located within the village envelope and I am content that the scale of housing development proposed would be largely consistent with the Principal Village status, particularly given the scale of development already identified for the settlement and the desire to provide for its regeneration. Furthermore the benefits from supporting appropriate additional housing development are clear. Both in terms of contributing towards, and then maintaining, a five year housing land supply and in securing infrastructure improvements and developer contributions which can benefit the wider community.

Whilst the principal of residential development would be acceptable any subsequent scheme will still need to be able to address relevant policy requirements, and demonstrate that there would not be unacceptable local environmental, highway or amenity impacts.

# Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

As identified above the overall site area is approximately 3.45 hectares. Based on the maximum quantum of 51 dwellings, the proposal would yield a housing density of approximately 15 dwellings per hectare. It is acknowledged that is significantly below the aspirations of Core Policy 3 which seeks to secure that densities in housing developments should normally be no lower than an average of 30 dwellings per hectare. However, in acknowledgement of the constraints of the site notably in terms of a potential for surface water flooding but also in that the site is set within an existing residential context, I do not consider that it would be appropriate in this case to insist on a higher residential density acknowledging that this could have greater implications to the

impacts of the development. This judgement is also reached on the basis that the scheme appears able to provide an appropriate mix of dwellings as discussed below.

The application has been accompanied by an indicative site layout plan which provides an indication as to what a scheme on this site could deliver. The annotation states that the site could deliver a scheme with 12 no. 2-bed dwellings; 29 no. 3-bed dwellings and 10 no. 4-bed dwellings.

The mix presented is broadly in line with the need outlined by the Housing Market Assessment. However, the design solution which is developed for submission as part of a future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage. As such no firm conclusions can be reached at this outline stage regarding these matters. Nevertheless, the applicant has demonstrated that an appropriate mix of units could be accommodated on site to address the requirements of the development plan and to address local need at that time. These matters would be controlled through the reserved matters process where due consideration would be provided to the relevant planning policies and guidance to deliver a high quality housing scheme.

### Impact on Land Use

Paragraph 17 of the NPPF identifies a set of twelve core land use planning principles, of which bullet point 8) states that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.' This encouragement of the use of previously developed land is reiterated in paragraph 111. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 112 of the NPPF indicates that 'Local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.'

It is noted that the application has not been accompanied by a formal Agricultural Land Classification document. According to Natural England maps, the site is classed as being Grade 3 (Good to Moderate Quality). Unfortunately there is no division into 3a and 3b which would allow a definitive conclusion as to whether the proposal would lead to the loss of the best and most versatile land. Officers have considered requesting further surveys in order to classify the land more specifically but given the anecdotal comments provided during consultation in relation to surface water drainage creating boggy conditions, it is unlikely that the site would be classified as Grade 3a. In any case, it is further unlikely that even if the land were to be Grade 3a it would be reasonable to resist it purely on the basis of a loss of best and most versatile agricultural land given the weight which would be afforded to the delivery of housing in the overall balance.

### Impact on Landscape Character

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within the Mid-Nottinghamshire Farmlands Policy Zone 27: Kirklington Village Farmlands. The zone has been assessed as having a low sensitivity and poor condition resulting in a 'Create' recommendation. The area is recognised as having an incoherent pattern of elements with many detracting features giving an overall significantly interrupted area with a very poor landscape condition.

The site is an open grass field with native trees and hedges forming the boundaries of the site. The site is situated immediately east of the Southwell Trail albeit the trail itself is well screened by the site by woodland cover outside of the application site. The site is otherwise surrounded by residential curtilages with the exception of the existing playing field to the south east corner of the site.

The current application submission has *not* been accompanied by a Landscape and Visual Impact Assessment as has been the case with other recent housing proposals in the village (notably the scheme which was brought before Members in January 2017 for 113 dwellings – reference 16/01618/OUTM). Officers carefully considered whether or not such a document would be required for validation purposes. However, it was concluded that it would be unreasonable to delay validation of the application. Primarily the key differentiation with this scheme is that the application site is within the village envelope defined by the Proposals Map. Although not allocated for residential development, the inclusion of the site within the village envelope boundary is an indication of how the site sits in its landscape surroundings. The site is an obvious inclusion within the extremities of the village bound by residential development with the exception of the Southwell Trail which in itself is a demarcation of the west of the settlement. Officers are therefore confident that the resultant landscape impacts of the development can be judged without the benefit of an LVIA.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as a significant area of open space. Given the

positioning of the site within the village envelope, it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. Any reserved matters application would need to be accompanied by full landscape plans which would allow the LPA the opportunity to consider in detail the landscape implications of the proposal.

### Impact on Ecology and Trees

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The site is also located within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

The ecological value of the site is one of the key causes for concern raised during the consultation process. The comments received, indeed including in some cases documentary evidence have been fully considered.

The application has been accompanied by an Extended Phase 1 Habitat Survey undertaken by Wold Ecology Ltd. dated July 2016. The survey recorded a number of habitat types within the

application site including scattered trees and running water owing to the watercourse ditch along the site boundaries. It is nevertheless acknowledged that the majority of the site comprises unmanaged grassland. The survey recorded a number of species as listed at 6.4.8 of the document. The following statements are selected on their basis of relevance in relation to the following targeted species:

# 'Bats

• Boundary features on this site are suitable for foraging and community bats and include woodland and hedgerow habitats. Local residents report seeing bats on the site, but could not identify a specific roost.

# Great Crested Newt

• No ponds or permanent waterbodies suitable for breeding great crested newts occur on this site. The ditches along the northern and eastern edges of the site are considered too insubstantial to support great crested newts.

# Reptiles

• The Application Site is considered to be suboptimal for reptiles.

# Birds

- The Application Site is of low value to schedule 1 listed species other than possibly as a rarely-used feeding or spill over feeding habitat for Barn Owl or Hobby. The site is not considered to be of value to any other schedule 1 listed bird species.
- The field survey carried out in July 2016 recorded the following UK BAP Priority Species. These species occur on JNCC's Red or Amber lists (high or medium conservation concern) as described in The Population Status of Birds in the UK (Birds of Conservation Concern: updated 2009).
  - Wren Troglodytes troglodytes
  - Song Thrush Turdus philomelos
  - Swift Apusapus

# Badgers

- No main setts, annexe setts, subsidiary setts or outlier setts were located within 50 metres of the development area boundaries or within the Application Site.
- No evidence of badger activity was noted within the Application Site with no feeding signs, footpaths, tracks, push throughs or hair recorded.

# Hedgehog

• No active or unused hedgehog nests were found within the hedge base within the Application Site.

### Water Vole

• The ditches bounding the Application Site is unsuitable for water voles.'

The report makes the following recommendations as confirmed by the executive summary:

- 'Wold Ecology does not recommend any further specific bird surveys. However, any trees, shrubs or grassland vegetation to be removed should be cleared outside of the bird nesting season (i.e. clearance should be undertaken between September and February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works will need to stop until the young have fledged.
- Potential discharge of foul water into the adjacent watercourses should be addressed by Land Drainage Consultant.
- If there is an intention to fell or disturb the single oak Quercus robur tree along the northern boundary of the site (SK 65077 60218), this should only be carried out only on completion of a bat emergence survey, as the tree contains deep fissures which could support a bat roost.'

In reference to the first recommendations these can reasonably be secured by condition. I am mindful that the last recommendation, in relation to the Oak tree, warrants further surveys '*if there is an intention to fell or disturb.*' This leads appropriately to the assessment of the Arboricultural Survey which has also been submitted to support the application undertaken by JK Arboriculture.

This confirms that there are no trees or other woody vegetation within the integral parts of the site although the boundaries are formed by native hedges and tall scrub species with a small number of individual mature oak, ask and sycamore, and a single alder specimen. The survey states that two trees would need to be removed to facilitate the development; an Ash tree on the southern boundary and a Holly Tree at the point of access from Maid Marian Avenue. The Ash tree is identified as a category B/C whilst the Holly Tree as category B. These are therefore trees of moderate quality. However, in the overall context of the development I do not consider that it would be reasonable to resist development on the basis of the loss of these specimens, their quality is not of such significance that their retention would be otherwise sought through alternative means of a Tree Protection Order.

To refer back to the Oak tree referenced in the ecological survey, this is categorised category A, a tree of high quality. Given the positioning of the tree along the northern boundary of the site I do not envisage that the development proposed would affect the longevity of this specimen. Having confirmed with the agent during the life of the application that there is no intention for this tree to be removed, I do not consider that it is reasonable to delay the determination of the application to allow for bat emergence surveys to be undertaken.

This approach is not disputed by the consultation response of NCC Ecology and suggested conditions in respect to all matters of ecology are considered reasonable. On balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and

opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

# Impact on Flood Risk and Drainage

The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of NPPF and NPPG. The FRA indicates that the site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 (given the site is already within the lowest risk zone) and as such the location of the proposed development is considered appropriate in terms of flood risk.

The originally submitted Design and Access Statement states that foul water drainage will be taken to the sewer in Kirklington Road and surface water will be managed by attenuation tanks with controlled run off into existing land drains.

In response to an original objection from NCC Flood (detailed in the consultation section above), the applicant has commissioned further works in respect of surface water drainage. Additional information has been submitted during the life of the application detailing the risks of the development and subsequent mitigation measures. This additional information has been subject to further review from NCC Flood Team.

The conclusions of the negotiations during the life of the application have led to the submission of revised indicative masterplan and subsequent change to the description of development such that the application for consideration now refers to up to 51 dwellings. The revised plan demonstrates the residential delivery of the site outside of the area at risk of surface water flooding. On this basis NCC Flood Team have removed their original objection subject to the imposition of conditions. Subject to detailed agreement of surface water drainage systems at reserved matters stage, I am satisfied that the proposal will not adversely affect surface water flooding on the site or in the surrounding area.

# Impact on Highways including Access

Within the overarching roles that the planning system ought to play the NPPF indicates that there are a set of core land use planning principles which should underpin the decision making process. Specifically in relation to transport these principles include:-

"Actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focussing significant development in locations which are or can be made sustainable".

Although the application has been submitted in outline form, agreement of the access details are being sought at this stage. This is addressed through a Transport Assessment undertaken by Bryan G Hall dated November 2016 and an associated Residential Travel Plan.

'The site is currently accessed via two separate locations from the wider highway network. The main access to the south is via an extension (stub end) from Maid Marian Avenue / Highfields Drive. The second access is via Thornton Close to the east. Access to the site from both locations is currently restricted by gates. The stub end serves just two existing properties. Maid Marian Avenue is 5.3 to 5.5 metres in width, has two 2.0 metre footways on either side, is street lit, has no parking restrictions and is subject to a 30mph speed limit.'

In respect of the development proposal, 'vehicular access to the site will be provided via the extension and minor widening of an existing highway stub end at the junction of Maid Marian Avenue and Highfields Drive. The existing width of the 'stubbed' carriageway is some 4.8 metres. As part of the proposal the road will be increased in width to 5.5 metres. In order to achieve this minor, localised narrowing, of the existing footways to 1.4 metres is required. The localised narrowing of the footway is over a distance of some 20 metres at which point the width returns to 2.0 metres.' This would be the single vehicular access for occupiers to the site although further 'pedestrian only' links would be provided to Thornton Close and Forest Link with the intention of improve the connectivity of the site. The pedestrian access to the site.

The Transport Assessment covers trip generation using standard industry TRICS database tools. It is stated that the *'site is likely to generate a total of 89 and 81 person trips in the morning and evening peak periods respectively'*. (It should be noted that these figures are based on the original application submission for up to 93 units and thus the revised application for a lower quantum of development would have a subsequent lower impact in respect of likely trip generation).

A number of the consultation responses received from neighbouring and interested parties raise issues in respect of the highways arrangements promoted as part of the development. Specific concerns include reference to the width of Maid Marion Way and its subsequent capabilities to accommodate for the additional traffic generated by the proposal.

The proposal has been assessed by NCC as the Highways Authority with their comments listed in full above. These confirm that the access arrangements from Maid Marion Avenue are acceptable in highways safety terms. Whilst I would sympathise with the concerns raised in respect of the access and the implications of an increase in traffic, it would be very difficult to resist the application on the basis of highways safety in the context of the comments of NCC Highways Authority as the relevant expertise. Notwithstanding this, it is noted that majority of the comments received were in respect to the original application for up to 93 dwellings. The revision of the application for a numerical lesser amount of dwellings will have corresponding lesser implications to the highways network. On this basis the proposal is considered compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

# Design, Layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered.

An Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

Based upon the identified development principles and details within the Design and Access Statement, it is considered that an appropriate layout could be developed on site in principle. The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies and the NPPF to ensure that a high quality scheme is achieved, which respects the characteristics of the surrounding area. I consider that there is sufficient scope to promote a development for 93 dwellings with acceptable landscape, layout and amenity implications.

I appreciate that matters of amenity have been raised as a concern during the consultation process and indeed there will be undoubtedly be amenity implications in comparison of the existing and proposed land uses. Nevertheless, these matters will be more appropriately assessed at reserved matters stage when the full implications of the development are available.

### Impact on Heritage

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...' Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.* 

The application site abuts the designated conservation area for Bilsthorpe. There is also a listed building in close proximity to the south eastern corner of the site. Para. 128. of the NPPF in the context of impact assessments is clear that the *'level of detail'* should be *'no more than is sufficient to understand the potential impact of the proposal on their significance.'* Furthermore, para. 129. goes on to confirm that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.'* 

The application has been accompanied by a Heritage Statement which identifies the nearby heritage assets of the designated Conservation Area and the Listed Building of 56 Kirklington Road. It is acknowledged that the current open aspect to the rear of this dwelling will be impacted by the introduction of housing. However it is stated that the dwellings main aspect is to the front overlooking the garden.

The original application was fully assessed by internal expertise in relation to conservation with the comments of the Conservation Officer listed in full in the above consultation section of the report. These comments raised concerns in respect to numerous matters including the

archeological potential of the site and the potential impact upon the setting of the aforementioned listed building.

Notwithstanding that the application has been submitted in outline form, the applicant has taken the opportunity to address the concerns of conservation during the life of the application in tandem with addressing others issues in terms of flood risk. This includes through the submission of an Archaeological Desk Based-Assessment, a revised Heritage Statement and the submission of a revised indicative layout plan demonstrating a buffer zone against development surrounding the listed building.

The revised comments of the Conservation Officer are included in full in the consultation section above confirming the removal of the original objection. I would concur with these comments in that the reduced quantum of development will allow a much greater flexibility in terms of ensuring sufficient separation distances from the built form of the proposed development to the existing nearby listed building. I note that the application has been submitted in outline form and thus there is no guarantee of exactly how far the buffer zone would extend but given the surface water issues already discussed, it is highly likely that any reserved matters application which came forward breaching this buffer zone would be resisted in any case. I appreciate the additional concerns received as part of the neighbour re-consultation but again, given the outline nature of the application, no firm qualification or judgement on how this buffer zone would be implemented on site can be reached at this stage.

It is my view that the response of the Conservation Officer is a balanced and considered approach which is deemed reasonable. Subject to further details which would be submitted at reserved matters stage, I am satisfied that residential development at the density proposed could be achieved on this site in a layout similar to that indicated without causing material harm to the setting of nearby designated heritage assets.

Unfortunately no comments have been forthcoming from NCC Archeology in respect to the desk based assessment submitted during the life of the application. I therefore recommend it reasonable as a precautionary approach to condition a scheme for archeological recording should Members be minded to approve the application.

# **Developer Contributions**

Core Strategy Spatial Policy 6, policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations. As is requested through the validation process, the applicant has submitted a draft heads of terms document to allow progress to be made on an associated S106 should the application be approved.

Some contributions cannot be fixed until overall numbers are known. The S106 will therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The applicant has confirmed in

principle the delivery of a policy compliant scheme subject to appropriate justification for the level of contributions sought.

# Affordable Housing

The applicant has confirmed an intention to provide 30% affordable housing on site in line with policy requirements. For a scheme of 51 dwellings this equates to 15 units to be provided on site. This would be secured subject to the usual cascade provisions within the associated S106. The scheme is therefore in accordance with Core Strategy Core Policy 1 and the Affordable Housing Supplementary Planning Document.

# **Community Facilities**

The Council would seek a Community Facility contribution as per the LDF Developer contributions and Planning Obligations Supplementary Planning Document. The SPD sets out a formula which equates to a contribution of £1,181.25 per dwelling plus indexation. A development of 51 dwellings would therefore equate to a contribution of £70,587.57 at 2016 indexing.

As confirmed in the consultation section above, the intention is for the contribution to be provided towards investment into the existing village hall. Correspondence has suggested that of the major upgrade works required specifically the walls need to be plastered, the toilets and kitchen refurbished and the heating and electrical installations need to be upgraded. Work is ongoing in terms of a likely compilation of costs for these elements such that the S106 is robust in its request.

# Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and indicate that the proposed development of 93 dwellings would yield an additional 20 primary school places. No comments have been received in respect of the lesser 51 unit scheme but based on the SPD calculations it is likely that a contribution of £122,706 would be sought in respect of education. Contributions for secondary school places would be secured by the Community Infrastructure Levy (CIL).

# **Open Space**

As a development of up to 51 dwellings this application would need to make provision for public open space. Indeed large areas of public open space have been demonstrated on the indicative site layout. The SPD states that the scheme, at its maximum quantum, would need to provide for open space in the form of provision for children and young people ( $18m^2$  per dwelling), amenity green spaces ( $14.4m^2$  per dwelling) and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum (£2,117.55 per dwelling) is required as well as the potential maintenance costs that would need to be agreed as part of any legal agreement. The alternative would be to provide all open space on site with a maintenance company.

The comments of the Parks and Amenities Officer listed in full above are noted in reference to where it would be appropriate for any off site contribution to be spent towards. The proximity of the existing park at the corner of Maid Marion Avenue makes it an obvious choice for where the contribution towards provision for children and young people should be spent. For the maximum quantum of dwellings, the contribution would be £47,290.26. Part of this contribution could be spent towards providing a link to the site from the existing facilities if possible through the final design of the site.

Again to refer to the comments of the Parks and Amenities Officer, the original indicative layout demonstrated circa 1000m<sup>2</sup> of amenity green space within the site. This equated to a shortfall of circa 339m<sup>2</sup> (for 93 dwellings). However, the revisions to the indicative site layout plan to address the flood and heritage issues now result in a significant increase of public open space provided on site and indeed the reduction in number of units means that the overall requirement would be less (734.4m<sup>2</sup>). As currently presented the site would over deliver in respect of public open space. It is recommended that the S106 be worded flexibly to ensure that a minimum level of public open space is provided on site. Any additional provision would undoubtedly be a benefit which would weigh favourably in the overall balance.

The proximity of the Southwell Trail is acknowledged by the applicant and indeed an intention to provide a link to this trail is indicated on the submitted layout. Both NSDC and NCC colleagues have suggested that it would be appropriate for the development to provide a monetary contribution towards the future maintenance needs of the Southwell Trail on the basis that this development is likely to have a direct impact on an increased usage. I consider this to be a reasonable request and further discussions are ongoing in terms of formulating an appropriate value for this contributions.

# Libraries

In respect of libraries; at an average of 2.4 persons per dwelling a development of 51 dwellings would add 122 to the existing library's catchment area population. NCC have indicated that they would seek a developer contribution for the additional stock that would be required to meet the needs of the population that would be occupying the new dwellings. Based on 2016 indexing figures this would amount to approximately £2,424.54.

### Health

As outlined by the adopted SPD, the development would meet the trigger for which the LPA may consider seeking contributions towards the health provision of the vicinity. Despite concern raised during consultation, no request or response has been forthcoming from Newark CCG and as such it is not considered reasonable to seek any contributions towards health provision.

### Highways

The suggested condition is respect of bus stop improvements could be imposed on any forthcoming condition. No contributions towards further transport provision is requested.

CIL

The site is situated within the Ollerton Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

# Other Matters

It was suggested during consultation that the access into the site from Maid Marion Way was not within the ownership of the applicant and that access rights would not be forthcoming. The agent has addressed this by confirming that the applicant does own the land and that the correct ownership certificates have been served. This has been evidenced through land registry documents and thus I remain confident that there is the development could come forward in a timely manner without a cause for legal dispute. Matters of land ownership has been further qualified by the most recently revised plans.

Whilst I would sympathise with the concerns of residents in terms of the disruption which construction traffic could cause, this is not a material planning consideration which can be afforded weight in the decision making process.

# **Overall Conclusions and Planning Balance**

The proposal has been submitted in outline stage for the provision of up to 51 dwellings on a site which is within the village envelope of Bilsthorpe. Given the status of Bilsthorpe on the settlement hierarchy as a Principle Village, the principle of residential development within the site is acceptable. Indeed in the context of the need for additional housing in general in the District, the proposal is welcomed. The applicant has demonstrated that the proposal can deliver a policy compliant scheme in respect of the necessary contributions, the benefits of which would be secured by an associated S106 agreement.

Whilst the scheme has raised numerous issues during the consultation process, owing to the willingness of the applicant to negotiate and revise the proposal, none of these have been found to substantiate a reason to resist the proposal. The applicant has done further work during the life of the application to overcome objections in respect of surface water flooding and heritage concerns. The proposal as now presented is deemed acceptable subject to the conditions outlined below and the provisions of the S106 agreement detailed at Appendix 1.

# **RECOMMENDATION**

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

# Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

04

The development hereby permitted authorises the erection of no more than 51 dwellings.

Reason: To define the planning permission.

05

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

No development shall be commenced until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- The drainage system should include a 2-stage treatment of the rainfall from hardstanding areas in accordance with Ciria C697 to reduce the risk of pollution to the environment.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.
- Unless evidence based on a hydraulic model of the catchment can be provided to demonstrate otherwise, any reserved matters application seeking matters of layout should be based on the indicative layout plan reference 105 Rev. P04 received 16<sup>th</sup> May 2017.

Reason: To prevent the increased risk of flooding to the site and surrounding areas; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

# 07

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. Notwithstanding the details of the submitted Arboricultural Survey, prior to the commencement of development, an updated Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the method of protection for retained trees (for the avoidance of doubt this should include the Oak Tree T1), hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

09

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

11

Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority in consultation with the

Nottinghamshire Wildlife Trust, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

12

The development shall be carried out in accordance with the Precautionary Method of Works outlined by the document Extended Phase 1 Habitat Survey (dated July 2016) that accompanies the application in particular, but not limited to, the use of a bat-sensitive lighting scheme (para. 7.5.1.7.1).

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

13

No development shall commence on any part of the application site unless or until a suitable access has been provided at Maid Marian Avenue/Highfields Drive, as shown for indicative purposes on plan 16/232/PL/001 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

14

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, gradients, surfacing, street lighting, and drainage (hereinafter referred to as reserved matters). All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide (6C's) and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

15

No part of the development hereby permitted shall be brought into use unless or until a scheme to upgrade the four bus stops in the vicinity of the site (Kirklington Road (NS0029 and NS0601)) has been submitted to an approved in writing by the LPA. The approved scheme shall be fully implemented prior to occupation of any dwelling or in accordance with a phasing plan which shall be fist agreed in writing by the LPA. For the avoidance of doubt the submitted scheme shall include real time bus stop poles & displays including associated electrical connections, bus shelter (NS0029 only), solar lighting (NS0029 only) and enforceable bus stop clearways.

Reason: To promote sustainable travel.

16

No development shall be commenced until a scheme for archaeological investigation, mitigation and recording has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall take place in accordance with the agreed scheme.

Reason: In order to adequately address and safeguard any archaeological interest that the site may have.

# Informatives

# 01

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

# 02

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

# 03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

# 04

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code (APC) in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

06

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

# BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive

05



Committee Plan - 16/02086/OUTM

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# Appendix 1 to 16/01618/OUTM

| Contribution            | Formula                | Anticipated contribution  | Monitoring Contribution                                       | Trigger Points   |
|-------------------------|------------------------|---|---|--|
| Affordable<br>housing   | 30%                    | 30% on site   | Physical Obligation (based<br>on 6 site visits) - <b>£396</b> | No occupation of more than 50% of the<br>individual completed properties constructed<br>on the site until at least 45% of the affordable<br>housing has been completed and transferred<br>to an Affordable Housing Provider.<br>No occupation of more than 80% of the<br>individual completed properties constructed<br>on the site until at least 55% of the affordable<br>housing has been completed and transferred<br>to an Affordable Housing Provider. |
| Community<br>Facilities | £1,384.07 per dwelling | <ul> <li>£70,587.57 based<br/>on full quantum of<br/>dwellings.</li> <li>Off-site<br/>contributions<br/>towards Bilsthorpe<br/>Village Hall<br/>specifically the<br/>former squash and<br/>sauna centre at the</li> </ul> | Financial Obligation - <b>£240</b>                            | No occupation of more than 60% of the individual competed properties.  |

|            |  | rear of the village<br>hall<br>Further details<br>awaited to the<br>specifics of the<br>request                                  |   |   |
|------------|--|--|---|---|
| Libraries  | £47.54 (for stock) per<br>dwelling                                 | <b>£2,424.54</b> based<br>on full quantum of<br>dwellings<br>Off-site<br>contribution<br>towards stock for<br>Bilsthorpe Library | Financial Obligation - <b>£240</b>                            | No occupation of more than 80% of the individual competed properties. |
| Education  | £2,406 per dwelling<br>+indexing                                   | <b>£122,706</b> based on<br>full quantum of<br>dwellings<br>Off-site<br>contribution for<br>Bilsthorpe Primary<br>School         | Financial Obligation - <b>£240</b>                            | No occupation of more than 40% of the individual competed properties. |
| Open Space | <ul><li>IF all physically on site:</li><li>Amenity green</li></ul> | Minimum of<br>734.4m <sup>2</sup> of<br>amenity green  | Physical Obligation (based<br>on 2 site visits) - <b>£132</b> | No occupation of more than 40% of the individual competed properties. |

|                    | space - 14.4 <sup>2</sup> per<br>dwelling (734.4m <sup>2</sup><br>for 51 dwellings)<br>IF off site contributions:<br>• Provision for<br>children and young<br>people £927.26 per<br>dwelling<br>(£47,290.26 for 51<br>dwellings) | space to be<br>provided on site<br>with associated<br>management<br>company.<br>Provision for<br>children and young<br>people to be<br>provided off-site<br>through a<br>contribution<br>towards<br>enhancement of<br>facilities at Maid<br>Marion Way.<br>Off-site<br>contribution<br>towards the future<br>maintenance costs<br>of the adjacent<br>Southwell Trail.<br><i>Further details</i><br><i>awaited to the</i><br><i>specifics of the</i><br><i>request</i> | Financial Obligation - <b>£240</b> |  |
|--------------------|--|---|------------------------------------|--|
| TOTAL<br>(based on |  | £243,008.37   | £1,488                             | (Actual total likely to be increased on basis of additional contribution to Southwell Trail) |

| 51          |  |  |
|-------------|--|--|
| dwellings): |  |  |

### PLANNING COMMITTEE – 6 JUNE 2017

| Application No: | 17/00392/RMAM  |  |  |
|-----------------|--|--|--|
| Proposal:       | Erection of 48 no. 2, 3, 4 and 5 bedroom house with associated works |  |  |
| Location:       | Land at Southwell Road, Farn   | sfield, Nottinghamshire                |  |
| Applicant:      | Bellway Homes  |  |  |
| Registered:     | 2 <sup>nd</sup> March 2017   | Target Date: 1 <sup>st</sup> June 2017 |  |
|                 | Extension of time agreed until 9 <sup>th</sup> June 2017             |  |  |
|                 |  |  |  |

### Background

Members will recall that outline planning permission for a residential development of up to 48 dwellings with all matters reserved for future consideration with the exception of access to the site was refused in November 2014. The subsequent appeal was allowed by the Planning Inspector in January 2016 following an Inquiry held in November 2015 and outline permission was consequently granted.

The current application before Members relates to the reserved matters namely appearance, landscaping, layout and scale

### <u>The Site</u>

The 1.69 hectare site comprises an area of undeveloped agricultural land and is located outside of Farnsfield village envelope. The site is roughly rectangular in shape and is located to the north of Southwell Road, whilst the main built up area of Farnsfield is located to the west of the site. The topography of the site slopes uniformly from the south east (46.84m AOD) boundary to the north west boundary (48.75m AOD). The site is bound by a number of semi mature and mature trees and bushes along its boundaries, with a drainage ditch to the eastern edge of the site. Two overhead electricity cables cross the eastern area of the site. Agricultural land is located to the north, east and south of the site.

### Relevant Planning History

14/01469/OUTM – outline planning permission was refused in November 2014 on the grounds that the application site falls outside of village envelope of Farnsfield and therefore in the open countryside. The proposal was considered not to meet any of the exceptions for development in the open countryside and constituted an unsustainable form of development contrary to policies SP1, SP2 and SP3 of the Newark and Sherwood Core Strategy, Policy DM8 of the Allocations and Development Management DPD and the NPPF. An appeal was lodged against the refusal and an Inquiry held in November 2015. The Planning Inspector subsequently allowed the appeal and outline planning permission was granted in January 2016. The Inspector attached a number of pre commencement conditions to this permission in relation to details of parking/turning areas, access widths, gradients, lighting, finished floor levels, contamination archaeology, drainage and

affordable housing provision. A Discharge of Condition application has yet to be submitted and these matters therefore remain outstanding.

A S106 legal agreement was agreed and signed in November 2015 prior to but in anticipation of the Inspectors decision which secured on site provision of a POS and LEAP and financial contributions to transport, community facilities, education, open space and libraries.

The applicant has sought pre-application advice from the LPA prior to the submission of the reserved matters application.

### The Proposal

The application seeks the approval of reserved matters comprising the layout, appearance, scale and landscaping of the site, including internal roads.

The following mix of house types are proposed :-

| House Type            | No. of Bedrooms             | No. of Units |
|-----------------------|-----------------------------|--------------|
| Somerby (2 storey)    | 2 bed semi detached         | 6            |
| Tilton ( 2 storey)    | 2 bed semi detached/terrace | 8            |
| Lichfield (2 storey)  | 3 bed detached              | 3            |
| Lowesby (2storey)     | 4 bed detached              | 9            |
| Weston (2 storey)     | 4 bed detached              | 6            |
| Gelsmoor (2 storey)   | 4 bed detached              | 3            |
| Laughton (2 storey)   | 4 bed detached              | 6            |
| Welford (2 storey)    | 5 bed detached              | 2            |
| Bosworth (2.5 storey) | 5 bed detached              | 4            |
| Cadeby (2.5 storey)   | 5 bed detached              | 1            |

Each of the 3 to 4 and 5 bed properties has 2 no. off street parking spaces some with garages whilst the 2 bed properties have a single space.

In association with the application the submitted plans provide layout details including house designs including a materials schedule, landscaping and boundary treatments and street scenes.

The proposed layout shows access from Southwell Road adjacent to Broadlands with dwellings sited along a linear internal road with properties backing onto the open fields to the east and two smaller cul de sacs to the western part of the site. This does differ from the indicative masterplan submitted at outline stage (albeit it is noted that this was only considered at outline stage on an indicative basis and therefore need not necessarily be fatal to the current application).

Revised plans have been received during the course of the application following discussion with officers in relation to the layout and relationships of some of the dwellings with neighbouring properties. Plots 24-26 are shown to have hipped roofs rather than gabled, Plots 24-34 have been repositioned to allow for a greater separation from 11m to 14m between the side elevation of plot 24 and the rear elevation of existing adjoining property to the west, no. 11 Nether Court. The proposed boundary treatment along the western boundary is now proposed to be 1.8m high

fencing with 0.3m high trellis rather than 1.8m high close boarded fencing. The 2.5 storey properties on plots 44 and 45 have been exchanged for 2 no. two storey properties. The 2.5 storey dwelling on plot 44 has been swapped with the 2 storey property on plot 43 and a new 2 storey house type has been located on plot 45.

Revised elevation plans have been deposited in relation to the detailing revisions (chimneys) to some of the plots.

Revised landscape details are expected to be submitted prior to Committee in response to the comments of the tree consultant outlined in the consultation section of this report, and this will be presented in Late Items or verbally at Committee.

A landscape Strategy, Landscape Master Plan, and Arborecultural Statement and Materials Plan have also been deposited with the application.

### Public Advertisement Procedure

43 neighbours have been notified by letter, a site notice has been displayed close to the site and an advert placed in the local press.

Planning Policy Framework

### The Development Plan

### Newark and Sherwood District Council Core Strategy DPD (adopted March 2011):

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 3 Rural Areas
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 14 Historic Environment

### Allocations and Development Management DPD (adopted July 2013):

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design

### Policy DM7 – Biodiversity and Green Infrastructure

### Policy DM8 – Development in the Open Countryside

- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Farnsfield Neighbourhood Plan
- Newark and Sherwood Landscape Character and Assessment SPD (2013)

### **Consultations**

For ease of reference additional responses received following reconsultation on the revised plans are italicised.

**Farnsfield Parish Council** - Inspection of the site layout plan associated with the planning application highlights a number of areas of potential concern for both the parish council and the community. Those grounds for objection, if agreed by the parish council, should form the basis of its submission to the Planning Committee.

The National Planning Policy Framework published by the Department for Communities and Local Government identifies a number of principles that should be applied when considering planning applications. One of the overarching principles is the requirement for good design, which is identified as being a key aspect of sustainable development, and which "should contribute positively to making places better for people". Another core principle relates to taking account of "the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside".

Whilst acknowledging the fact that planning guidance recommends that individual developments should be viewed in isolation, it is worth noting that the district councils planning committee identified a negative impact on village character as one of its grounds for rejecting the planning application for the land off Mansfield Road.

Subject to any further grounds for objection identified by parish councillors or members of the public at its meeting on 28 March 2017, it is proposed that the following forms the basis of the PCs submission to the planning committee, objecting to the proposal on the following basis:

- 1. Negative visual and village character impact
- 2. The inclusion of an open water source within the development
- 3. The arrangements for affordable housing within the site

The National planning policy framework makes reference to the principles set out above: recognising the character of different areas, as well as the intrinsic character and beauty of the countryside. Farnsfield village is characterised to a large extent by the East and West approaches to it, being framed by open countryside, leading to a range individual character properties reflecting a rural community, recognised by the District Council which works to preserve its conservation area.

The Farnsfield Neighbourhood Plan Character Appraisal and Design Guide submitted as part of the PC's responses to the application, provides further evidence of the unique character of the village and its environs.

As stated in the NPPF, reflected in the Neighbourhood Plan Character Appraisal and Design Guide, Paragraph 57 states "it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes". In addition, Paragraphs 59 and 61 respectively state "design polices should ... concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access to new development in relation to neighbouring buildings and the local area more generally". Farnsfield Neighbourhood Plan Policy FNP1 states ". This policy supports the development of new housing within the established settlement boundary of Farnsfield subject to a proposal meeting a number of criteria related to local character, amenity of neighbouring properties, local infrastructure and sustainability" [emphasis added]. Policy FNP7 includes reference to "high quality design that reflects the local character of the area and integrates well into the existing settlement".

The Parish Council contend that the propose layout does nothing to enhance or even comply with the principles contained in the NPPF. The village is suffering from a failure to adhere to these principles through the recent Ash Farm development which has effectively created a continuous red and grey 'wall' extending across the horizon as viewed from Mansfield Road. Further proposed development seeks to destroy the vista and character of the village approach to the south of Mansfield Road (16/01575/OUTM). This proposed development on Southwell Road features another continuous wall of red and grey extending from the roadside to the far edge of the development (see layout plan and street scene that accompany the application), having absolutely no relationship with neighbouring houses, or the village approach along Southwell Road into Main Street from the east. The enclosed photos show the extent of the existing views and approach and the potential damage that will be caused, using the Ash Farm development as an example of poor design, layout and a general lack of application of planning guidance.

The Parish Council therefore requests that the Planning Committee reject the application as it stands in favour of an alternative proposal that seeks to re-design a site layout that follows the NPPF principles and removes the 'terraced' approach sought by the applicant.

# 2. The inclusion of an open water source within the development

The proposal currently has an open water 'attenuation pond' on the south side of the development adjacent to Southwell Road. According to the Landscape Strategy submitted by James Blake Associates Ltd, "open air SUDS systems are both lower cost to construct and maintain than positive drainage or subterranean SUDS systems, but also benefit development in both the biodiversity gain and the visual amenity. The banks will therefore be biodiverse landscaped features, which also function in engineering terms, but which support diverse and attractive wildflowers, damp meadow, marginal and bog vegetation and drier banks. Some native tree planting is also included to provide shaded areas. SUDS facilities can now be maintained by private management companies and not just the local authorities ensuring cost-effective maintenance options. The facilities can be sustainably maintained in accordance with specific landscape and ecological management plans, with suitable deed of grant being provided by the management organisation to the water authority for any surface water facilities to be owned by them. Most damp and dry meadow areas will be cut once annually".

The Parish Council requests that this proposal is rejected in favour of a subterranean method of water storage and release. The Parish Council is of the view that an open water source such as this presents a life safety hazard that the community should not be required to accept, particularly when presented as a cost-saving option by the developer. Whilst there may be management organisation in the short to medium term, the Parish will have no exercisable powers over the longer term maintenance of the facility should the development company cease trading and

covenants stop being enforced. The "biodiversity gain and visual amenity benefits" offered by the consultant do not outweigh the safety concerns of the PC.

The PC's concern is particularly relevant given the fact that alterative technical solutions are readily available.

# 3. The arrangements for affordable housing within the site

It is noted that the affordable housing within the site, as shown in the site layout is all contained within the north-east corner of the development, remote from the remainder of the housing. There appears to be no attempt on the part of the developer to integrate the affordable housing with other housing within the scheme. This appears contrary to planning principles and does nothing to create an inclusive community approach to the development or the village. The affordable housing element of the development proposal does not appear to enjoy a proportionate open space compared with the remainder of the housing on site; in fact, half of the proposed properties will overlook a car park.

Of note is the following planning policy obtained from Wigan Council which clearly demonstrates this point: "We expect that affordable housing units are integrated into and of a similar quality and design to the overall housing scheme so as not to be visually distinguishable from the market dwellings, thus creating and integrated community". Whilst not an NSDC policy, the PC firmly believes this approach should be applied in this and all future instances.

The Parish Council therefore requests that the Planning Committee reject the application as it stands in favour of an alternative proposal that seeks to re-design a site layout that follows the NPPF principles and properly integrates the affordable housing within the scheme.

Resolution

That the Parish Council objects to the detailed planning proposal on the grounds outlined above and that the Clerk on behalf of the Parish Council writes to the District Council Planning Committee to register its opposition and the reasons for it.

(Photographs are appended to these comments)

No additional comments have been received.

**Nottinghamshire County Council Highways Authority** – Consistent with pre-application advice, the use of service margins where one would normally expect footways is unacceptable. Footways should be provided on both sides of the access roads.

The footway is required to service those houses and residents on both sides of the road, otherwise people will have to cross the road against the desire line or walk in the carriageway. This is not acceptable and demotes the pedestrian below the car driver in the hierarchy of road user, which is the contrary to any current national or local policy.

The layout does not comply with the County Council's 6C's Highway Guidance and is contrary to NSDC's Spatial Policy 7.

It is recommended that this application be refused for being contrary to policy and for compromising highway safety.

If the Planning Authority is minded to grant the application, however, I would like to be given the opportunity to suggest suitable conditions to protect the interests of the Highway Authority.

### Suggested Conditions

No part of the development hereby permitted shall be brought into use until associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

*Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).* 

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

*Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.* 

No part of the development hereby permitted shall be brought into use until the associated driveways/parking/ turning area are constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking/turning area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

### Note to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

*Correspondence with the Highway Authority should be addressed to david.albans@nottscc.gov.uk* 

**Nottinghamshire County Council Lead Local Flood Authority:-** Current preliminary comments: This application is one of reserved matters for access only and as such we have no further

comments to make. All comments made for previous applications relating to this development are still valid.

### No additional comments have been raised.

**Severn Trent** - No Objection to the proposal subject to the inclusion of the following condition.

### Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

### Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

### Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

### No additional comments have been received.

**Environment Agency** - We have reviewed the application which falls into Flood Zone 1, and advise consulting your Lead Local Flood Authority i.e. Nottinghamshire County Council for surface water drainage issues.

**Trent Valley Internal Drainage Board - t**he site is outside of the Trent Valley Internal drainage Board District but within the Boards Catchment Area.

There are no Board maintained watercourses close to the site

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards District (other than to a main river for which the consent of the Environment Agency will be required).

The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any water course that borders or flows through land owned or occupied by them.

No development shall take place until the LPA in consultation with the LLFA has approved a scheme for the provision implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District.

• Existing catchments and sub catchments to be maintained

- Surface water run off limited to 1.4l/s/ha for pumped and lowland catchments
- Surface water run off limited to green field rate for other gravity systems.

The applicant states that the surface water will be discharged via SUDS. Prior to permission being granted it is recommended that the use of SUDS is agreed with the LLFA. If the use of SUDS is not agreed the applicant should re submit amended proposals for demonstrating how the surface water will be drained.

The design operation and future maintenance of the site drainage systems must be agreed with the LLFA and LPA.

No additional comments have been received.

NSDC Strategic Housing - No comments have been received.

**NSDC Tree Consultant** - The proposed tree loss and submitted protection details for the retained trees/hedges are acceptable.

With regard to the proposed layout I have concerns that proposed dwelling on plot 7 will be significantly shaded by retained tree T12 in the neighbouring property and to a lesser extent the dwelling and front garden area on proposed plot 8. This could potentially result in future pressure for repeat pruning/removal of this tree as a result of light loss, seasonal tree nuisance and apprehension over failure of tree//tree parts.

Rear gardens of proposed plots 26/27/28 are likely to be dominated by retained T8 to north which could result in similar issues to the above.

Indicative landscaping is likely to be unsuitable/insufficient.

I would not recommend the use of fruiting trees next to hard surfacing as it is likely to lead to complaints over falling fruit nuisance.

Pyrus calleryana "Chanticleer" rarely stays true to a fastigiate form as it matures and will likely result in future maintenance issues.

Ornamental cherry stock would need to be positioned in areas unlikely to affected by blossom drop and disruption of hard surfacing.

Proposed native trees need to be far more diverse than indicated Tilia "Green spire" as does tree stock across the site.

Many tree locations are shown directly adjacent to hard surfaced areas which would likely require engineered tree pits to provide sufficient rooting volume and avoid hard surfacing disruption and irrigation deficits.

Sufficient room needs to be considered for all proposed tree locations to allow for future tree development.
A final landscaping scheme needs to be submitted addressing the above points and be specific on final planting locations of all proposed soft landscaping and include specifics of plant species, size, density, root stock, protection and irrigation measures and any specific planting pit requirements.

Species selection should be more diverse and consider a far greater use of native species of natural form.

Additional planting within retained hedgerows could be considered for further soft landscaping options.

The following additional comments have been received:-

One of the main problems with the landscaping submission was its lack of specific details.

I would have expected all soft landscaping to be individually marked and specified at this stage of the process with accompanying information on plant sizes/density, protection, planting pit details, maintenance etc.

Re Plot 7/8. I know that this tree is on adjacent property but layout should have recognised its potential constraints as noted.

Plots 26/28 similar observations as above with regard to layout. The fact that trees will need to be pruned to facilitate construction reinforces my concerns that the tree will be an ongoing maintenance issue for any future occupants.

*New trees---difficult to assess as submitted details re indicative.* 

Fruiting trees-these can be replace with different species. Again layout has not considered soft landscaping sufficiently. I do not agree that any other tree will influence foundations. Pyrus and ornamental cherry stock could easily be changed to more appropriate species. Again layout should have considered soft landscaping development.

Cherry-location for other smaller species is adequate –again layout has not been considered in conjunction with soft landscaping.

*Native trees (Green spire)—unsure why detail should follow later as this stage.* 

Tree pits should be considered now—if rooting volume is required under hard surfacing then specific design requirements of structural cells, irrigation and surfacing all need to be considered.

Room for development-see previous comments re-layout.

Landscaping details should be submitted now for consideration within final layout.

Additional planting-I do not agree that native species require deeper foundations/again layout issues but I can see no reason why additional trees cannot be planted within hedgerows.

Nottinghamshire County Council, Policy – No comments received.

**Nottinghamshire County Council, Rights of Way** – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered.

No additional comments have been received.

Nottinghamshire County Council Education – No comments raised.

Nottinghamshire Wildlife Trust – No comments received

NSDC - Communities and Sports - No comments received

NSDC Parks and Amenities - No comments received

NSDC Policy - No comments received

**NSDC Equalities and Access Officer** - As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

No additional comments have been received.

**NSDC Environmental Health (Contamination)** -.When consulted on the earlier applications (14/01469/OUTM, 15/01516/OUTM and PREAPP/00281/16), our comments referred to the Phase I report which recommended further intrusive investigations (Phase II). Our position remains as at this time, and we await the submission of the report on these works. In the meantime, I would advise on the continued use of a full phased contamination condition on any approval granted.

## Previous comments are reiterated.

## NSDC Environmental Health – No comments have been received

No additional comments have been received.

# 24 representations have been received from local residents/interested parties. The representations can be summarised as follows:

## Flooding

- The proposal would exacerbate existing flooding and drainage issues
- No drainage details have been deposited with the application existing drainage and sewer systems will be unable to cope with the additional dwellings
- The existing dyke should be retained
- The layout plans show hard surfacing to the site at a higher level than existing dwellings which raises concern with surface water run off

#### Highways

- Highway and pedestrian safety
- The access is on a 30mph road close to a sharp bend
- The additional traffic would increase traffic flows and exacerbate existing congestion issues
- How will developers alleviate additional traffic risk

#### Infrastructure

• The proposal would impact on existing infrastructure – overcrowded schools and other facilities and amenities including car parks

#### General

- The proposal results in building outside of the village envelope
- The proposal would lead to further precedent of additional dwellings in the village
- Impact on existing electricity lines
- Impact of heavy construction traffic through the village

- It is not clear whether vehicular or pedestrian access will be provided through Nether Court boundary. If so this would raise issues of safety and security
- Concerns are raised regarding how the development will be powered...an increase in the usage of the substation to the rear of properties on Nether Court could dramatically increase radiation levels from the plant. An increase in usage will impact on noise from the substation. If plans were to upgrade the substation, this would have an undue visual impact.

# Amenity

- The highest density of development is in the top corner of the site which will impact on adjoining properties on Nether Court
- The proposal would lead to loss of privacy, loss of light and overshadowing and overbearing impact given proximity to existing dwellings adjoining the site

## Layout

- The proposed layout is totally different to that deposited with the previous outline application
- The proposed layout and house types are out of character with the area, are not sympathetic to adjoining and nearby properties or the wider village setting
- The proposal is over intensive development
- The layout shows specific types of dwellings being grouped together Affordable housing is located in one section of the site the dwelling types should be interspersed.

# Landscaping

- The hedge border along parts of Nether Court is in poor condition. It should be removed and replaced with solid structure eg. wall or retained and enhanced
- Although trees along the boundaries are proposed to be retained there is a potential that these could be damaged
- Impact on ecology

# Following re-consultation 9 additional representations have been received which reiterate previous comments and add:-

There is no significant change to the previous layout plan.

The proposal results in the loss of open countryside.

The proximity of proposed dwellings to adjoining neighbouring properties will result in a sense of enclosure. These should be relocated further from the existing dwellings.

There is no buffer zone between the proposed dwellings and immediately adjacent dwellings.

*Three storey properties are out of keeping with the character of the area.* 

## Comments of the Business Manager

## Principle of development

Farnsfield is defined as a 'Principal Village' in SP1 of the Core Strategy and SP2 provides that this settlement is expected to accommodate 10% of Principal Village growth over the Development Plan period.

The application site lies on the eastern edge of the settlement immediately adjacent to the defined village envelope. It is acknowledged that the principle of the proposed residential development of the site for up to 48 dwellings has already been established by the decision of the Planning Inspector in 2016 to grant outline planning permission. It is therefore considered that it would be wholly inappropriate to resist the current application on the basis of other developments within Farnsfield and impact on the village given that outline permission already exists.

Notwithstanding the acceptability of principle in considering the details of the reserved matters application namely appearance, layout, scale and landscaping have to be assessed against local and national policy considerations and need to be weighed in the planning balance. These are set out and assessed below.

## Housing Density and Mix

Core Policy 3 confirms that the LPA will normally expect development densities of no lower than an average of 30 dwellings per hectare.

Based on the site area of 1.69 hectares the scheme would deliver a housing density of approximately 28 dwellings per hectare gross before taking into account constraints. Although this would be considered to be a minimal shortfall with regards to the expectations of Core Policy 3, I am mindful that the Inspector in reaching their decision considered a development of up to 48 dwellings on the site and did not raise any issue with this density. I therefore find the density to be acceptable in this instance.

Turning to the proposed housing mix and type, the following table again confirms the number of bedrooms for the plots:

| House Type            | No. of Bedrooms             | No. of Units |
|-----------------------|-----------------------------|--------------|
| Somerby (2 storey)    | 2 bed semi detached         | 6            |
| Tilton ( 2 storey)    | 2 bed semi detached/terrace | 8            |
| Lichfield (2 storey)  | 3 bed detached              | 3            |
| Lowesby (2storey)     | 4 bed detached              | 9            |
| Weston (2 storey)     | 4 bed detached              | 6            |
| Gelsmoor (2 storey)   | 4 bed detached              | 3            |
| Laughton (2 storey)   | 4 bed detached              | 6            |
| Welford (2 storey)    | 5 bed detached              | 2            |
| Bosworth (2.5 storey) | 5 bed detached              | 4            |

| Cadeby (2.5 storey) | 5 bed detached | 1 |
|---------------------|----------------|---|
|---------------------|----------------|---|

Overall the site would deliver a variety of housing types ranging from smaller 2 bedroom dwellings, mid range 3 bedroom properties to larger 5 bedroom properties.

Farnsfield falls within the Southwell Sub Area identified within the Newark and Sherwood 2014 District wide housing needs survey. This document identifies a need predominantly for 2 and 4 bedroom properties with some, albeit lesser need for 3 and 5 bedroom dwellings.

29% on-site affordable housing is to be provided on site, which are 2 and 3 bedroom units to be positioned in the north eastern corner of the site. Whilst these are not 'pepper-potted' through the entire layout they are tenure blind and as such I do not consider this to be an issue that warrants concern. Again whilst the scheme contains predominantly larger 4 and 5 bedroom dwellings, overall I consider the mix has adequately responded to the more local needs set out in District Wide Housing needs Survey as well as the aspirations embedded within CP3 to provide family housing of 3 bedrooms or more.

#### Impact on Character including design and layout

Given the extant approval for outline planning permission for residential development, it has already been accepted in principal that the character of the site will fundamentally change. However, with the benefit of full layout and elevational details, the LPA are now in a position to fully assess the magnitude and ultimately appropriateness of this change.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. These criteria are reflected in policy FNP1 of the Farnsfield Neighbourhood Plan.

The site layout for consideration represents a change in comparison to that which was presented indicatively at outline. This need not in itself be fatal to the consideration of the reserved matters application, noting the indicative nature of the plan submitted at outline stage.

The key change to the proposed layout is that the proposed detached dwellings along the eastern edge of the site are arranged in a linear pattern with rear gardens which face onto the open countryside. There is now a suds pond proposed to the south eastern corner of the site. The layout is designed with properties predominantly fronting the central highway or cul de sacs with driveways either to the front or sides of the dwellings with lawned and landscaped frontages and private rear gardens.

Properties with garages are shown with the garages set back behind the footprint of the associated dwellings which enables open gaps to be achieved between properties, although these form the driveways for each property.

I note the comments of the Conservation Officer with regards to the layout and scale of the proposed dwellings to the south eastern corner of the site. Revised plans have been deposited

which now show that the 2.5 storey properties on plots 44 and 45 (at 9.7m in height) have been exchanged for 2 no. two storey properties (at 8m in height). The 2.5 storey dwelling on plot 44 has been swapped with the 2 storey property on plot 43 and a new 2 storey house type has been located on plot 45. The Conservation Officer has verbally confirmed that these revisions have reduced the impact of plots 44 and 45 on the entrance to the village and the conservation area to a more acceptable modest impact and that this now mitigates the impact on the historic environment in this instance.

I note the concerns with regards to the design of the layout in relation to plots 1-3 and 46-47 with particularly with regards to the relationship of plots 47 and 48 with the main road. The applicant has been asked to consider the layout and design at this part of the site. However they have responded that the position of Plot 48 is dictated by the sewer easement that runs below Plots 45 and 48 between the dwellings and the infiltration pond. Plot 48 cannot therefore move any further to the south and any rotation of this plot to face the road will impact on the garden depth of Plot 47.

There is an existing substantial hedge that runs along the length of the site boundary parallel to Southwell Road which shields the site from Southwell Road. There may well be the scope to add additional tree planting along this boundary / around the infiltration pond.

With regards to Plots 1-3 these dwellings are well set back from Southwell Road and do not have a direct relationship with Southwell Road. Due to the existing boundary hedge and existing mature trees located around the access road plus additional landscaping that is proposed you will only view these properties once you enter the development. Plot 1's parking and integral garage is further hidden from view as these are located adjacent to the boundary fence between Plot 1 and the neighbouring property.

In considering the proposed layout and the above comments, given the context of the proposal with the adjacent residential properties, and in light of the revisions to the scale and design of the proposed dwellings in the south eastern corner of the site which have are dual aspect with active elevations facing the internal road and Southwell Road I am of the view that the proposed development would not be so unduly prominent or harmful to the character and setting of the site to justify refusal on these grounds.

I note the comments received with regards to the creation of a line of dwellings along the boundary. However, given the existing landscaped boundary with Southwell Road and along the eastern boundary of the site together the distance of the proposed dwellings from the highway along this boundary, partial views of the development would be afforded when travelling along Southwell Road into the village. Notwithstanding this I consider that the boundary landscaping could be further reinforced and enhanced which could be reasonably secured by condition which would soften the impact.

Consequently I consider that the impact on the street-scene would not be such to justify refusal on these grounds and is on balance acceptable and in line with policy.

A Landscape Strategy and masterplan have been deposited with the application. The comments of the tree consultant with regards to tree retention and landscaping are acknowledged and the applicant has been advised of these matters. I would concur that although these give some indication of the proposed landscape scheme they are not sufficiently detailed to allow full consideration of hard and soft landscaping and planting within the site. I am therefore of the opinion that it would be reasonable to attach a condition, should Members be minded to grant permission, to secure precise landscaping and planting details to ensure that appropriate and sufficient soft landscaping is provided within and around the boundaries of the site. Such a condition would also ensure that the visual impact of areas of hard surfacing, in particular the level of curtilage parking proposed to the front of dwellings and the parking areas to the north west corner of the site, would be softened.

Turning to the proposed dwellings themselves, as outlined above the scheme predominantly comprises two storey dwellings with five 2.5 storey dwellings. The 2.5 storey dwellings are generally scattered within the site providing some variation to the roof scape and some visual variety.

A detailed materials schedule has been provided which proposes three different main facing bricks (Fonterra Worcestershire red bricks Atherstone Red Stock bricks and Ibstock Calderstone Claret bricks) and two different roof tiles (Russel Grampian Slate and Pennine Cottage Red). The materials are considered to be acceptable.

The mix of house types proposed are modern in design with some reference made to a characteristic cottage form and scale and appropriate architectural detailing, for example chimneys. The Conservation Officer has verbally confirmed that the addition of such architectural detail is welcomed and improves the character and appearance of the development and that this would somewhat mitigate their concerns regarding the design of the proposed dwellings.

The design and appearance of the proposed house types are therefore considered, on balance, to be acceptable.

#### Impact on Landscape Character

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area. These criteria are reflected in Policy FN8 of the Farnsfield Neighbourhood Plan.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within Policy Zone MN36 Halam Village Farmlands. Key characteristics of this zone include a 'very good' landscape condition with very gently undulating and rounded topography. The Landscape Action identified for this Policy Zone is to 'conserve' with further residential development being identified as a threat / driver for change within the Zone.

At the Planning Inquiry the Inspector considered the submitted Landscape Appraisal of the scheme which indicated that the proposal is not likely to alter the wider landscape character, but accepted that it would have some minor adverse visual impacts. Having regard to the surrounding topography, the character of the landscape, the views available of the site and the close

relationship of the appeal site to the existing development adjacent to it, the inspector concurred with this view, that the proposal would result in some degree of harm to this and would materially diminish the rural appearance of the immediate locality.

Having had regard to the Council's Landscape Character Assessment (LCA) for the area the Inspector considered that the proposal would not conflict with the action to conserve the rural character of the area. The appeal scheme would be located on the edge of a relatively sizeable village, which has a range of services and facilities, but is predominantly residential character. As such, notwithstanding the other developments that have taken place, or are likely to take place, within the village, the Inspector concluded that in this case, the scale of development currently proposed would not result in a significant change to the overall character of Farnsfield.

Taking this into account, I am of the view that the proposal, although having some visual impact would be viewed within the context of the edge of village setting of the site immediately adjacent to the eastern fringe of the built form of the settlement. It is therefore considered that the scale and layout as proposed in the Reserved Matters application would not so significantly impact on the landscape setting to justify refusal on these grounds.

## Impact on amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. This is reflected within Policy FNP1 of the Farnsfield Neighbourhood Plan.

Local residents have raised concerns relating to residential amenity, summaries of which are detailed in the consultation section above. In this case, the most affected residents are those adjoining the site along the western boundary on Nether Court and Aldershay and Broadlands whose rear gardens side or back onto the site.

I note the explicit concerns with regards to the proximity and the relationship between the rear elevations of existing properties on which back or side onto the site and the adjacent plots within the development.

No.s 11 and 18 Nether Court immediately adjoin the top north-western corner of the site. No. 11 Nether Court backs onto the site facing the side elevation of plot 24 of the proposed development. It has a rear garden with an approximate depth of circa 10m. There is a substation located to the rear corner of the garden abutting the site boundary and the remaining boundary consists of mature hedging. The original plans indicated a distance of some 11.5m separation between these two properties. Revised plans have been deposited which show an increased separation of circa 15m between the rear elevation of the property on Nether Court and the side elevation of plot 24 within the development. Moreover the pitched roof design of plot 24 has been revised to a hipped roof. This revised roof design would in my opinion further reduce impact.

The proposed boundary treatment along this boundary is shown as 1.8m high close boarded fencing with 300mm high trellis. The applicant has confirmed that the existing hedging along this part of the boundary will be retained and the proposed fencing will be positioned within the application site, providing that access to the new dwellings can be secured.

Taking the above into account I am of the view that in this instance and on balance the revised roof design together with the relationship and distances between these two properties is sufficient for the proposed dwelling at plot 24 to not have such a significant overbearing or overshadowing impact to justify refusal on these grounds.

Turning to impact on no. 18 Nether Court, this dwelling sides onto the application site and has no principle room windows to this side elevation. There is some 5m separation between the property and plot 23 and therefore there would be no direct overlooking into private amenity space nor any overshadowing or overbearing impact. Plot 11 does back onto the side boundary with no. 18 Nether Court. However, it is set at right angles to this existing dwelling and given boundary treatments and distance from the no. 18 I am of the view that it would not afford any direct overlooking.

I am mindful that Plots 8, 9 and 10 have rear elevations facing the rear garden of Aldershay. These plots have maximum garden depths of some 11m and are set at right angles to this dwelling. There is a garage immediately abutting the boundary of plot 8. Bearing this in mind and taking account of the angles and proposed 2.1m high boundary treatments I am satisfied that the relationship between these properties and this adjacent dwelling is on balance acceptable.

With regards to the adjacent dwelling to the south west, Broadlands, there is some 28m separation between this and the dwellings at plot 8 and plot 7 and some 25m to the dwelling on plot 46 which I consider to be an acceptable relationship so as not to result in any undue overlooking, overbearing or overshadowing impact.

On balance and in the context of this 48 dwelling scheme, I consider that the relationships proposed are acceptable to meet the needs of privacy as required by CP9 and Policy DM5. However to offer continued protection to both residential and visual amenity I recommend that permitted development rights are removed for extensions, porches, alterations to the roof, outbuildings, the laying of hard surfaces and any new means of enclosures

I am of the view that each of the proposed dwellings has been afforded private amenity space within their rear gardens which I consider to be commensurate to the size of the dwellings. However I am mindful of the comments received with regards to the impact of the trees abutting the boundaries of the site with Plot 7 and Plots 27 and 28.

With regards to tree retention, the comments received with regards to the retention to T12 as identified within the Arborocultural Survey as being category B adjacent to plot 7 and T8 (Category C Ash trees) adjacent to the boundaries with plots 26, 27 and 28 are noted. These trees do not fall within the boundary of the application site or the ownership of the applicant and therefore cannot be removed without the consent of the landowners in which they sit.

Given the relationship and spread of the tree T12 adjacent to plot 7 with this proposed dwelling, I am of the opinion that the impact on amenity would not be so significant to justify refusal on these grounds.

With regards to the Ash trees identified as T8 and T7 within the Arborocultural Survey deposited with the application I acknowledge that these have a poor relationship with the dwellings on the relative plots. However, I am mindful that the applicant proposes crown reduction works to the southern face which would allow sufficient clearance for the proposed dwellings to be constructed

without impacting upon the tree and would reduce their impact on the amenity areas serving these properties.

Having regard to the fact that the relative plots will be taken on by a registered provider who will be aware of the situation and the need for ongoing management requirements to reduce impact, that the trees have been identified as Category C and of low quality and health which will be appropriately managed before and during construction, and that any future registered provider of the housing units on these plots will have a single umbrella management vehicle in place in relation to future maintenance works and that any new buyers of these properties will be aware of these trees, I find that in combination these matters are persuasive in this particular instance. I am therefore mindful that it would be possible to continue to manage any harm to any of the residential properties through appropriate tree maintenance.

Taking the above into account I am of the view that the development has, on a balance an acceptable relationship with existing properties and that it would provide an acceptable and commensurate level of amenity for future occupier of the propose dwellings.

#### Impact on Highways Network

Policy SP7 of the Core Strategy seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems. This is reflected in Policy DM5 of the DPD.

The proposed access onto Southwell Road has been given due consideration and has been approved at outline stage. The Inspector in granting outline permission attached a condition securing the provision of this access in accordance with the access details submitted at that stage shown on drawing no. 0618-F01. A further condition was attached (Condition 4) which required the further submission to and written approval by the local planning authority of details of parking, turning, access widths , gradients, surfacing, street lighting and visibility splays. Details of gradients and street lighting will form part of the future discharge of condition application.

The layout plan submitted as part of the Reserved Matters application does include parking, turning areas and access widths together with the visibility splay at the access to the development. The Highway Authority has not raised specific concerns with regards to the proposed parking provision, turning areas or the visibility splay. It is considered that these matters are therefore acceptable from a highway safety point of view.

The comments of the Highway Authority with regards to the internal layout of the site are duly acknowledged. However, the footpaths to which the comments refer serve small internal cul de sacs serving a modest number of properties. There is a 2m wide footpath to one side of these cul de sacs, although it is noted that the footpath on the opposite side is not 2m wide for its whole length. However that this is not entirely unusual within large residential developments and that there are examples of such similar layouts within the County which have highway technical approval for S38 works. Given the extent of these footpaths and the number of dwellings these would serve I am of the opinion that this would not raise such significant safety issues to justify refusal on these grounds in this particular instance. Indeed the Highway Authority has suggested a number of conditions as outlined in the Consultation section of this report which should be

attached to any permission should Members be minded to approve the Reserved Matters application.

#### Impact on Drainage Network

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Policy CP 9 of the Core Strategy requires that all new development through its design proactively manage surface water including, where feasible the use of Sustainable Drainage Systems. These criteria are within Policy FNP1 of the Farnsfield Neighbourhood Plan.

The comments received with regards to drainage and flooding issues are noted.

The applicant submitted a Flood Risk Assessment (FRA) as part of the original outline application in 2014. This indicated that the site is located entirely within Flood Zone 1 and as such was assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development was therefore considered appropriate in terms of flood risk.

Furthermore the Environment Agency, Seven Trent Water, and Trent Valley Internal Drainage Board assessed the submitted FRA and were satisfied that the proposed development would not be at an unacceptable risk of flooding or that it would exacerbate flood risk elsewhere.

At that time a Preliminary Surface Water Drainage Strategy was also developed to assess the viability of effectively draining the proposed residential development. The Strategy provided an initial assessment of the potential for incorporating Sustainable Urban Drainage Systems (SUDs) on site and recommended that surface water should be discharged via infiltration techniques if possible. The consultees raised no objections to surface water drainage and recommended that that a surface water drainage scheme, based upon sustainable drainage principles be secured via condition. The Planning Inspector in allowing the appeal in 2016 attached 3 conditions to the permission in relation to drainage of surface water and the disposal of foul sewage. These required the submission and written approval of such details prior to any commencement of any works on site.

The current Reserved Matters application was not accompanied by any drainage details other than the proposed layout which shows a drainage pond to be located to the south eastern corner of the site. I note the comments received from Severn Trent and their suggested conditions. However this would be covered by the conditions attached by the Inspector on the outline permission in 2016. The applicant has therefore advised that specific drainage details will be submitted as part of a future formal discharge of condition application.

I am therefore not in a position yet to recommend that the drainage conditions imposed at outline stage are satisfied at the current time but this outstanding matter does not prevent the consideration/determination of the reserved matters scheme from a planning perspective but does prevent work from commencing on site until this has been agreed. The District Council will consult with the relevant drainage bodies when the formal discharge of condition application is submitted to ensure that the proposed drainage details are acceptable and are duly secured.

## Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network. These criteria are also reflected within Policy FNP1 of the Farnsfield Neighbourhood Plan.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires at para. 118 that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:

• Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and

• Opportunities to incorporate biodiversity in and around developments should be encouraged.

The applicant submitted an Extended Phase 1 Habitat Survey and Arborocultural Assessment in support of the outline planning application in 2014. Conditions were attached to the outline permission to secure the implementation of the recommendations of this survey in relation to birds and bats and to secure appropriate ecological and biodiversity enhancements.

Indicative details of birds, bats and insect boxes together with details of planting included within the landscape masterplan and landscape strategy have been included within the details deposited during the lifetime of this application. These can be further secured by condition should Members be minded to grant approval of the reserved matters application.

## Affordable Housing

NPPF paragraph 50 requires Local Authorities to identify the affordable housing need for an area and then, "set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities." Core Strategy Core Policy 1 indicates that 30% affordable housing should be provided on larger sites (11 or more, as amended), of which 60% should be social rented and 40% should be intermediate. The Council's Affordable Housing Supplementary Planning Document (July 2013) confirms the above policy approach. Policy FNP3 of the Farnsfield Neighbourhood Plan states that affordable housing will be supported in accordance with Policy CP1, the wider policies of the Neighbourhood Plan and would meet an identified local need.

At the time of the outline application, the applicant also agreed to meet the provision of 30% affordable housing on site. Based upon the maximum number of units as detailed on the Indicative Masterplan at that time this would deliver 14 affordable units. Condition 13 of the outline permission required the submission and written approval of a scheme for the provision of affordable housing on site to include numbers, type, tenure and location, timing of construction, phasing (in relation to the occupancy of the market housing), transfer of the affordable units to

the registered provider or alternative management of these units and the securing of these units for first and subsequent occupiers together with the occupancy criteria.

The affordable housing provision of 14 units has subsequently brought forward into the current Reserved Matters application. The current Reserved Matters application was not accompanied by the details required condition 13 of the outline permission. The applicant has advised that these will be submitted as part of a future formal discharge of condition application.

The principle of the affordable housing scheme is therefore in accordance with Core Strategy Core Policy 1 and the Affordable Housing Supplementary Planning Document.

I am therefore not in a position yet to recommend that this condition imposed at outline stage is satisfied at the current time but this outstanding matter does not prevent the consideration/determination of the reserved matters scheme from a planning perspective but does prevent work from commencing on site until this has been agreed.

## **Developer Contributions**

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

The extant outline approval was accompanied by a Section 106 agreement. This secured contributions towards transport; community facilities; education and library provision; open space detailed on the S106 Agreement attached as an Appendix.

Although the Inspector at the Inquiry raised some criticism of the Agreement in terms of the failure to demonstrate that the elements of the planning obligation were necessary to make the development acceptable, related to the development and to its scale, the Agreement remains legally binding. The current applicant accepts the terms of the S106 and the developer contributions secured within the S106 Agreement will be fully provided.

#### Other Matters

## Contamination

The initial outline application in 2014 was accompanied by a Geo-Environmental Site Assessment. The Inspector in granting outline permission attached a condition requiring the submission of an assessment of the risks posed by any contamination to be submitted to and approved in writing by the local planning authority.

The current Reserved Matters application was not accompanied by any contamination assessment. The applicant has advised that survey works are currently being undertaken on site and that the results of these will be submitted as part of a future formal discharge of condition application.

## Archaeology

Condition 12 of the outline permission requires the submission of a written scheme of investigation to be submitted to and approved in writing by the local planning authority.

The current Reserved Matters application was not accompanied by any archaeological investigation assessment. The applicant has advised that survey works are currently being undertaken on site and that the results of these will be submitted as part of a future formal discharge of condition application.

## **Boundary Ownership**

I note the comments received with regards to the ownership of boundary hedgerow along the western boundary. Although the applicant has confirmed that the hedgerow will be retained and any additional boundary fencing would be within the application site, ownership of this hedgerow would not be a material planning consideration and would be afforded little weight. It would be a private legal matter between the interested parties.

## Power and potential connection to existing substation

I note the concerns received with regards to the potential connection to the existing substation in the neighbouring garden on Nether Court and the potential impacts resulting from a more intensive use of the sub-station through increased radiation, noise and visual amenity. The agent has confirmed that both gas and electricity will be connected to via Nether Court. They are more likely to pick up a connection outside of the sub, but there may be a requirement to actually enter the sub. This is all undertaken on public / highway land. However, I am sympathetic to the concerns of the resident involved and as there is no indication of how the intensified use may impact the neighbour, it is recommended that a condition be imposed that seeks to provide adequate mitigation should the size of the sub-station need to be increased, or it results in any increased detrimental noise impacts.

## Precedent

I am mindful that there have been a number of permissions granted for residential development within and on the edge of the village and the comments of setting precedent are noted. However, the principle of residential development at this site has already been established when outline permission was granted in 2016. Notwithstanding this any future applications would need to be assessed purely on their own merits.

#### **Conclusion and Planning Balance**

At outline application stage the submission details included a purely indicative layout of a residential development on the site. As outlined above the principle of residential development (including access) on the site has already been established in January 2016. Details of the layout, scale, appearance and some landscaping have been submitted and on balance have been found to be acceptable and in line with the policies contained within the Development Plan as set out above. The recommendation is therefore for approval subject to the following conditions.

## **RECOMMENDATION**

## That reserved matters are approved subject to the following conditions.

## 01

The development hereby permitted shall not begin later than the timescales set out on the outline permission granted under reference 14/01469/OUTM.

Reason: For the avoidance of doubt and to ensure compliance with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

## 02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:-

- Layout Plan Drawing No: BH/PL\_SRF/10 Rev N
- Welford (Plots 1 & 15) Drawing No: BH/HT\_WEL/02
- Lowesby (Plot 2) Drawing No: BH/HT\_LOW/04
- Gelsmoor (Plots 3 & 47) Drawing No: BH/HT\_GEL/04 Rev A
- Lowesby (Plots 4 & 5) Drawing No: BH/HT\_LOW/03
- Lichfield (Plots 6 & 16) Drawing No: BH/HT\_LIC/03
- Lowesby (Plots 7, 9,10 & 34) Drawing No: BH/HT\_LOW/02
- Lowesby (Plots 8 & 33) Drawing No: BH/HT\_LOW/01
- Weston (Plots 11 & 31) Drawing No: BH/HT\_WES/01
- Gelsmoor (Plot 12) Drawing No: BH/HT\_GEL/02 Rev A
- Laughton (Plot 13) Drawing No: BH/HT\_LAU/02
- 'KEY NOTE' Bosworth (Plot 14) Drawing Nos: BH/HT\_BOS/05 & BOS/01
- Tilton (Plots 17,20,24 & 27) Drawing No: BH/HT\_TIL/01
- Tilton (Plots 18,19,21,25,26 & 28) Drawing No: BH/HT\_TIL/02
- Somerby (Plots 22 & 29) Drawing No: NH/HT\_SOM/01
- Somerby (Plots 23 & 30) Drawing No: BH/HT\_SOM/02
- Weston (Plot 32) Drawing No: BH/HT WES/02
- Bosworth (Plot 35) Drawing No: BH/HT\_BOS/06 & BOS/01
- Bosworth (Plot 36) Drawing: BH/HT\_BOS/03 & 07
- Laughton (Plots 37, 41 & 46) Drawing No: BH/HT\_LAU/04
- Weston (Plot 38) Drawing No: BH/HT\_WES/07
- Weston (Plot 39) Drawing No: BH/HT\_WES/06
- Laughton OPP (Plot 40) Drawing No: BH/HT\_LAU/05
- Key Note Laughton (Plot 43) Drawing No: BH/HT\_LAU/03
- Weston (Plot 42) Drawing No: BH/HT\_WES/05 Rev A
- Cadeby Eles (Plot 44) Drawing No: BH/HT\_CAD/03 & 04
- Spinney (Plot 45) Drawing NO: BH/HT\_SPI/01
- 'KEY NOTE' Lichfield (Plot 48) Drawing No: BH/HT\_LIC/02
- Materials Plan Drawing No: BH/MP\_SRF/100 Rev D

Unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the approval. Reason: So as to define this approval. 03

The development hereby permitted shall be constructed entirely of the materials detailed on drawing no. BH/MP-SRF/100D deposited on the 22<sup>nd</sup> May 2017 submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Notwithstanding the details shown on the Landscape Strategy deposited on the 2<sup>nd</sup> March 2017 and the landscaping Plan drawing no. JBA17/043-SK01 deposited on the 2<sup>nd</sup> March and the Landscape no development shall be commenced until full and precise details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, including enhancement planting, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

an implementation and phasing programme.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

Reason: In the interests of visual amenity and biodiversity.

05

The approved soft landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

The approved boundary treatments for each individual plot on site (shown on drawing no: BH/PL\_SRF/10 Rev N) shall be implemented prior to the first occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

07

No development shall be commenced until precise details of proposed birds, bats and insect boxes including location within the layout and garden areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved

Reason: In the interests of maintain and enhancing biodiversity.

08

No part of the development hereby permitted shall be brought into use until associated drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

09

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

10

No part of the development hereby permitted shall be brought into use until the associated driveways/parking/ turning area are constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking/turning area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

11

Prior to the commencement of the development, a report shall be submitted to the Local Planning Authority outlining the impacts that would result in the increased use of the existing sub-station at 11 Nether Court to serve the development hereby approved. The report shall include details of any mitigation works that may be required to mitigate against any increased detrimental impacts. The agreed mitigation shall be implemented in full prior to the capacity of the sub-station being increased is first commenced. Reason: To protect the residential amenities of the neighbouring property.

# Informatives

# 01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

# 02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

## 03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted on 0300 060 3900

## 04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

# 05

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

# 06

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

# 07

Correspondence with the Highway Authority should be addressed to <u>david.albans@nottscc.gov.uk</u>

08

This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership or control of the applicant.

# 09

The applicant's attention is drawn to those conditions on this decision notice and those contained on the outline consent (ref. 14/01469/OUTM) which remain applicable, which where appropriate should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

# 10

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990 which accompanies the outline consent under planning reference 14/01469/OUTM.

# BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext. 5840

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive



Committee Plan - 17/00392/RMAM

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| Application No: | 17/00473/FUL   |
|-----------------|--|
| Proposal:       | Change of use of 3 bedroom dwelling (C3) on the same site as school to vacation/respite centre (C2). |
| Location:       | Ivy House, Barnby Road Balderton   |
| Applicant:      | Mrs Terri Westmoreland   |
| Registered:     | 22.03.2017 Target Date: 17.05.2017   |
|                 |  |

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Lee).

This application is also being presented to the Planning Committee in line with the Council's Scheme of Delegation as the application building is in the ownership of Newark and Sherwood District Council.

#### <u>The Site</u>

The application site relates to a detached two storey dwelling, known as Ivy House, positioned within the wider curtilage of an existing school site (Hope House School). The buildings currently comprising Hope House School were originally used as a homeless family unit, however in 2006 were converted to a day-time only school for children with autistic spectrum disorders. Ivy House was originally built to provide wardens accommodation but is currently being used as a learning centre of post 16 year old students who will be shortly relocated to another building in the school complex.

The site is located within an open countryside setting, and surrounded by agricultural fields to the north, east and west. Vehicular access to the site is currently from Barnby Road and leads to a hard surfaced car park within the site that provides approx. 12 spaces. A 2m high close boarded panel fence runs along the frontage of the site.

#### **Relevant Planning History**

0378513 - 12No homeless family units. Approved 13.06.1978

03920598 - Conversion of wardens house to bedsits and communal facilities. Approved 15.07.1992

92/50008/FUL - Conversion of wardens house to bedsits and communal facilities. Approved 15.07.1992

92/50600/FUL - New wardens house. Approved 21.10.1992

92/50601/OUTD - Temporary accommodation of homeless persons including day centre and store. Approved 07.10.1992

93/50021/FULR3 - Dual use of unit 4 as either a two bedroomed flat or use as a dayroom laundry and wardens office. Approved 12.11.1993

95/50958/OUTR3 - Temporary accommodation for homeless persons including day centre and store. Approved 10.10.1995

01/01756/FULR4 - Removal of condition 3 from permission FUL/920841 which relates to the warden accommodation for the former Hollies complex. Approved 08.11.2001

06/00581/FUL - Change of use from homeless accommodation to school with accommodation, including internal and external alterations and extensions. Approved 20.07.2006

14/01434/FUL - Minor alterations to existing building and single storey extension to create two accessible bedrooms and accessible WC and shower room including ancillary external works to facilitate the same. Approved 03.10.2014

## <u>The Proposal</u>

The proposal seeks planning permission for the change of use of the application dwelling from a residential use (Use Class C3 Residential) to a vacation/respite centre (Use Class C2 Residential Institution) to be run in association with the existing Hope House School.

The proposed vacation/respite centre would provide day and overnight care for children with autism and complex learning difficulties from the local area. The supporting statement submitted with this application states that the care would be on a 1:1 or 2:1 staff to child ratio. The short term aspirations of the vacation/respite centre are to have one or two bedrooms permanently occupied, with a view to expanding the number of bedrooms at a later date, although there are no extensions to the building being applied for within this application. The proposed use would use the existing car park on site that currently provides approximately 12 spaces, which also serves Hope House School.

#### Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

#### **The Development Plan**

## Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy Spatial Policy 3: Rural Areas Spatial Policy 7: Sustainable Transport Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities Core Policy 9: Sustainable Design

## Allocations and Development Management DPD (adopted July 2013)

Policy DM5: Design Policy DM8: Development in the Open Countryside

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

## **Consultations**

**Balderton Parish Council** – Objects to the proposal. 'Members are concerned about the inadequate parking provision for the school and it is not clear from the plans if the provision for 12 cars and access relates to Ivy House or the school itself. The planning committee is urged to visit the site prior to a decision being taken.'

**NCC Highways Authority** – This is a simple extension of the existing facilities provided on the surrounding site and will have negligible impact on the public highway. Satisfactory access and parking is provided. No objections are raised.

**NSDC Environmental Health Section** – No comments to make.

**NSDC Access and Equalities Officer** - 'As part of the developer's consideration of access to and use of the building, with particular reference to access and facilities for all people including those with disabilities, it is recommended that the developer's attention be drawn to BS8300: 2009 Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice – as well as Approved Document M and K of the Building Regulations which contains further useful information in this regard.

In the absence of detailed plans, it is recommended that inclusive access to, into and around the proposal on all floors together with provision of suitable accessible facilities and features, including parking provision for disabled motorists, should be carefully considered to ensure these are equally convenient to access and use.

It is recommended that the developer make separate enquiry regarding Building Regulations matters. It is further recommended that the developer be mindful of the provisions of the Equality Act.'

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- Supports the application and comments that Hope House School does a fantastic job for autistic children.
- Supports the application although comments some consideration like passing spaces or proper tarmac parking should be taken into account for staff parking on Bullpit Road.

#### Comments of the Business Manager

## *Principle of Development*

The proposed use of the application building as a vacation/respite centre would fall into an ancillary use to the wider use of Hope House School which is a community facility, the principle of which is supported by Spatial Policy 8 of the Core Strategy, which states:

'The provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the District and beyond.'

As the site is located within an open countryside position, Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management Policies DPD is also relevant and in relation to community facilities states:

'Community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements. In accordance with Spatial Policy 8, proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision. Associated built development should be restrained to the minimum necessary to sustain the use.'

I am mindful that the proposal would form an ancillary use to the existing school and its services, which has been established as a community facility for a number of years since its original approval in 2006. I also note from the supporting statement that the services which a vacation/respite centre would bring have been requested by parent/carers of children that currently use the existing school's services, which demonstrates a local need in the community. There is no additional built development proposed by this application.

Although located within the open countryside, the application site is well connected to Balderton at less than 0.5km to the established urban area via Bullpit Road, I am satisfied that the proposal can be considered to be in relative close proximity to Balderton and as such, would be in general accordance with the above mentioned policy guidance and that the principle of the development at the site would be acceptable.

#### Impact on the open countryside

The proposal relates to the use of a building only that currently exists and no extensions or alterations are proposed as part of this application. As such, I am satisfied that the proposal would not result in any material impact on the visual amenity of the site or wider countryside locality. While I am mindful that the proposal would potentially result in an increase in activity and vehicular movements, given the scale of the development, with only 1 or 2 bedrooms intended to be used and that the application building is already contained within the wider existing school site, I am satisfied that the proposal would not result in any material impact on the rural character of the immediate locality. However, given its location in the open countryside, where new dwellings are strictly controlled, it is considered to be appropriate to impose a condition restricting the occupation of the dwelling as ancillary to Hope House School only.

## Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note the concerns of the Parish Council in relation to the parking provision at the site however I am of the view that the application site has a suitable hard surfaced car parking area (12 spaces) that serves Hope House School in its current use and that the proposal is unlikely to require a substantial increase in parking provision over and above the demand of the existing school. I also note that the Highway Authority has not raised any objection to the scheme and as such it is considered that the proposal is unlikely to the result in any material impact to highway safety at the site.

## Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Given the nature of the proposed development as well as the application site's relatively isolated position, with all surrounding buildings being associated to the existing school and the separation distance to the closest neighbouring residential properties being in excess of 200m, it is considered that the proposal is unlikely to result in any material impact on residential amenity.

## Conclusion

The principle of the proposed vacation/respite centre use of the application building is considered to be an appropriate low-key ancillary use to the existing school services and enhance the community facility. There has been no identified harm to the character of the site or wider area, highway safety or residential amenity. It is therefore considered that the proposal would meet with the relevant aims of the NPPF, Spatial Policy 8, Core Policy 9 of the Core Strategy and Policies, DM5 and DM8 of the Allocation and Development Management DPD. Accordingly it is recommended that planning permission be granted.

## RECOMMENDATION

## That full planning permission is approved subject to the following conditions

## Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference

Red line site plan received by the District Council on the 22<sup>nd</sup> March 2017

Supporting statement and Business Plan received by the District Council on the 8<sup>th</sup> March 2017

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

03

The dwelling hereby approved shall not be occupied at any time other than for purposes ancillary to Hope House School.

Reason: To prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

# Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at <u>www.newark-sherwooddc.gov.uk/cil/</u>

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

## BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive

Committee Plan - 17/00473/FUL



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| Application No: | 17/00544/FUL  |
|-----------------|---|
| Proposal:       | Proposed change of use of land to rear of 21 Strawberry Hall Lane to provide staff car parking area (Revised Application of 16/01288/FUL) |
| Location:       | Land To The Rear Of 21 Strawberry Hall Lane Newark On Trent<br>Nottinghamshire  |
| Applicant:      | Mr G Briggs Price   |
| Registered:     | 24.03.2017 Target Date: 19.05.2017  |
|                 | Extension of Time Agreed until 09.06.2017   |

# This application has been called in at the request of Councillor Dawn due to concerns regarding potential impact on residential amenity.

## <u>The Site</u>

The site relates to land at the rear of a single storey residential dwelling at 21 Strawberry Hall Lane. The land historically has formed part of the garden area for No. 21, albeit it has now been separated from the remaining garden area of No. 21 by close boarded fencing. The dwelling is located to the south side of Strawberry Hall Lane within the Newark Urban Boundary in an area that is predominantly residential. Bounding the application site to the rear is the Newark Industrial Estate covered by Policy Area NUA/E/1 and to the north of the application site is Housing Site 4 – Yorke Drive Policy Area as defined by the Local Plan Policies Map.

Strawberry Hall Lane comprises of a mix of development; detached, semi-detached and terraced properties, including two storey properties and bungalows which all vary in form, appearance and design. With regards to the bungalows and properties to the south side of Strawberry Hall Lane, there is a more formal pattern of development and their layout, form and positioning appear more uniform than the other dwellings on the street.

The site in question mainly grassed, flat and bound by an array of hedging, fencing and brick walling. On the southern boundary the site is separated from a commercial business 'Seventy Seven Motors' by palisade fencing and gates and there is also a dilapidated outbuilding situated on the boundary. Seventy Seven Motors situated to the south is a relatively large site with a large metal clad building occupying a large proportion of the site and the remaining area is used for the display and sale of motorhomes.

#### **Relevant Planning History**

**16/01288/FUL** – Proposed change of use to land rear of 21 Strawberry Hall Lane to provide additional workshop parking. Refused December 2016 under delegated powers for the following reason:

'In the opinion of the Local Planning Authority the proposed development represents an inappropriate and incongruous form of development within a residential area that would have a detrimental impact on the visual and residential amenity of the site and surrounding area. The proposed development would appear out of character with the form, layout and design of the site to which it relates and adversely impact the character and appearance of the residential area of which it forms part. As such the proposal is contrary to Core Policy 9 of the Newark and Sherwood Core Strategy (211) and Policies DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD.'

## The Proposal

The application is a re-submission of a previously refused application which sought change of use of an area of garden land to provide additional workshop parking for 10 motorhomes associated with Seventy Seven Motors.

The current application seeks to use the same area as previously proposed but the site would be used for the parking of up to 13 staff vehicles. During the lifetime of the development discussions have taken place with the applicant regarding the proximity of the proposed spaces to neighbouring dwellings and it has been agreed to remove the northernmost 3 spaces to increase the degree of separation from neighbouring properties. It is also proposed that additional planting be provided in addition to enclosing the site with 1.8m close boarded timber fencing. The hours of operation of the parking area have been suggested to be 0730 – 1830 Monday to Friday and 0800 – 1600 Saturdays and Sundays. It is proposed that the parking area be surfaced in permeable compacted tarmac.

## Departure/Public Advertisement Procedure

Occupiers of 10 neighbouring properties have been individually notified by letter.

**Relevant Planning Policies** 

## The Development Plan

## Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 – Sustainable Design

## Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)

Policies relevant to this application:

Policy DM4 – Renewable and Low Carbon Energy Generation Policy DM5 – Design Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Considerations**

National Planning Policy Framework (NPPF) 2012 National Planning Practice Guidance (NPPG) 2014

## **Consultations**

## Newark Town Council – No objection

3 in favour 2 against

## NSDC Environmental Health Officer - No objection

## Comments based on revised plan and additional information

Further to my last email; having looked at the proposed changes to the layout, I feel my initial comments still stand. The proposals do not deal with concerns from potential noise created in the area which could impact on the peaceful enjoyment of neighbouring properties. I acknowledge the new proposals remove some parking spaces however the applicant does not address the following issues:

1. Vehicle movements to and from the development (Starting of cars, possible reversing alarms from larger vehicles, slamming of doors).

2. The revving of engines on site.

3. Although it is noted the proposals are for staff vehicles the maintenance of these vehicles in the proposed area and the possible noise disturbance from equipment.

If the application could be conditioned to prevent possible noise/light issues I would have no objections to the changed proposals. I would suggest the following:

- That the fencing around the area is required to maintained.
- That no vehicle maintenance is undertaken in the area.
- No vehicles that are fitted with reversing alarms are parked in the area.
- Hours of use are restricted to 7:30 to 6:30 Monday to Friday (excluding Bank holidays) and 8:00 am to 4pm Saturday, Sunday and Bank holidays.
- That any plans to light the area must be discussed with the planning Authority prior to installation.

#### Comments based on initially submitted details

Prior to the commencement of the development I would be grateful if the applicant provides details of noise mitigation methods they are to implement to prevent noise disturbance in respect to:

- 1. Vehicle movements to and from the development.
- 2. The revving of engines on site.

3. Although it is noted the proposals are for staff vehicles only I would be grateful what assurances are to be given to prevent vehicle being maintained in the proposed area and the possible noise disturbance from equipment.

## NCC Highways Officer – No objection

From the information submitted, it would appear there will be no increase in the number of vehicles to the site as a result of this proposal, therefore, it is expected that there will be no impact on the public highway. It should be noted that the means of access to the application site has not been included within the red line of the site location plan.

# Neighbours/Interested Parties – Two letters of objection received raising the following concerns:

- The gardens to the rear of properties on Strawberry Hall Lane provide a barrier against commercial operations at Seventy Seven Motors;
- The proposed parking would result in a loss of amenity through noise from vehicles being parking, doors being opened & closed and intrusion from headlights during autumn & winter months;
- Concern that additional security lighting will result in light pollution problems;
- Worried that if properties become vacant on the land further applications may be submitted;
- The land in question has not been identified for industrial or commercial use. The proposed change would be contrary to planning policy of managing growth and change and ensuring that sustainable development is achieved and promoted and that quality of life for all is improved.
- Also contrary to NUA/E/1 Newark industrial estate policy which states that development should not impact on adjacent residential areas.
- The proposed change of use comprises the greater proportion of rear garden or 21 Strawberry Hall Lane, not a small portion and will not improve but lessen the quality of life for residents;
- Whilst the site is not in view from Strawberry Hall Lane it is in view from neighbouring garden areas;
- Although hedgerows will be retained and additional planting introduced the recently erected fence shows how close the parking area will be to neighbouring properties;
- The change of use would be backland development and create a dangerous precedent.
- The applicant states they will use a sustainable drainage system, this needs clarifying to ensure no run off to adjacent gardens.

- The proposal would have a detrimental impact on visual residential amenity;
- It appears that the current parking provision is adequate for purposes and no further space is required;
- Neighbouring residents should not have to endure a reduction in their quality of life for a parking problem that if it does exist could be overcome by a small reduction in the number of motor homes being displayed for sale.

## **Comments of Business Manager, Development**

## Principle of Development

The land subject of the proposed change of use is land which previously formed part of the rear garden of a residential dwelling, No.21 Strawberry Hall Lane, albeit since the previous application it has been divided off from the remaining garden area through the provision of a 1.8m high close boarded fence. The site falls within the urban boundary for Newark where development impacting on amenity shall be assessed against policy DM5 of the NSDC DPD. The land to the south which accommodates Seventy Seven Motors is designated as Newark Industrial Estate and covered by policy NUA/HO/4.

Core Policy 6 – Shaping our Employment Profile is also considered to be of relevance and states that, inter alia, 'providing a range of suitable sites in these locations that will enable employment levels to be maintained and increased, by meeting the modern requirements of different business sectors and types'

The site is situated within the Newark urban area where employment growth is detailed to be focused. The applicant states that the proposed development is required in order to free up land on the site to enable more space for motorhome storage and sale. An assessment of the impact of the development on the character and appearance of the area and upon the amenity of neighbouring dwellings follows, which I consider are the main issues in assessing this scheme. **Impact on the Character of the Surrounding Area** 

Policy DM5 of the Allocations & Development Management DPD states that inappropriate backland and other uncharacteristic forms of development will be resisted. Core Policy 9 of the Core Strategy requires new development to achieve a high standard of sustainable design and an appropriate form and scale to its context, complementing the existing built and landscape environment.

The site would be non-visible from the public realm given its siting to the rear of a residential property situated on Strawberry Hall Lane but would be visible from neighbouring garden areas particularly those immediately to the east and west notably No's 19 and 23 Strawberry Hall Lane.

The site is currently bound by 1.8m high close boarded timber fencing on the northern boundary separating the site from the rear garden area of No. 21. The boundary treatment to the east is composed of low level walling with dense vegetation beyond and to the west a combination of close boarded fencing and again relatively dense vegetation. The applicant is proposing the installation of close boarded fencing along both the eastern and western boundaries to match the existing on the northern boundary which would limit views into and out of the site. In addition further planting is proposed within the parking area which could be controlled by way of a

landscaping condition. Whilst it is accepted that the proposed change of use of the land would fundamentally change the use and character from a rough grassed area to a hard surfaced area with vehicle parking, it is considered that the inclusion of 1.8m close boarded fencing on the eastern and western boundaries would limit views into the site and such a boundary treatment in addition to the existing and proposed vegetation would not be out of keeping with most residential garden areas. The experience for receptors visually therefore would not be dissimilar to a residential property from a visual perspective. As such it is not considered that the proposed change of use would detrimentally impact upon the appearance of the surrounding area and the proposal accords with the Development Plan in this regard.

## **Impact on Residential Amenity**

Policy DM5 of the Allocations & Development Management DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Additionally, development proposals should have regard to their impact on amenity or operation of surrounding land uses and where necessary mitigate from any detrimental impact. Core Policy 9 requires a compatible mix of uses, particularly in the town and village centres.

The proposed change of use would result in No.21 Strawberry Hall Lane having a garden area of approximately 7m x 16m with an existing close boarded fence separating the land beyond. This degree of amenity space is considered to be adequate.

Concern was raised with the applicant that the spaces detailed as 8 & 9 on the submitted plan would be approximately 7m from a conservatory situated on the rear of No.23. It was agreed that these spaces in addition to No. 1 be deleted. In doing so this would increase the degree of separation of proposed parked cars from the rear of No. 21 to 15m, the rear of No. 19 to approximately 14m and the conservatory of No. 23 to approximately 14m. Furthermore, it is proposed that additional close boarded fencing be provided on the eastern and western boundaries at a height of 1.8m. The applicant has stated that the parking area would be surfaced in crushed tarmac.

The concerns raised by neighbours in relation to nuisance being raised by noise and light are noted and have been carefully considered.

Based on the separation distances of approximately 15m to the rear of neighbouring properties (and approximately 10m to the garden area immediately to the rear of the dwellings often referred to as the most private) it is not considered that the parking of vehicles for staff on the neighbouring site would significantly detrimentally impact upon neighbouring amenity.

With regards to headlights from cars, the impact would be limited to the autumn and winter months during the hours of darkness and that impact would be further limited by the positioning of the 1.8m high fencing which should block out most of the headlights. Whilst no lighting is proposed as part of the application it is recommended that a note to applicant be added to any future consent to advise that any future lighting within the car parking area would require planning permission and would is unlikely to be supported unless it is very low level lighting designed to avoid impacts on neighbours.

Noise associated with car doors slamming could potentially be an issue. However the reduction in the number of spaces to 11 along with limiting the hours of its usage, the increased separation distances and the boundary treatments all go some way to avoiding impacts from being unacceptable.

The applicant has stated that the hours of use of the parking area would be limited to 0730 – 1830 Monday to Friday and 0800 – 1600 Saturday and Sunday, which on balance are considered to be acceptable. The comments from the Environmental Health Officer are noted and in addition to the above it is considered reasonable to attach a condition restricting the use of the site for staff parking only, the provision of a detailed landscaping scheme to clarify proposed additional planting and to clarify what the treatment would be for the area of land to the north of the car parking spaces to ensure the proposed separation distances were maintained in the interests of neighbouring amenity. I also note that the EHO has requested that the fencing on site be maintained (its physical presence can be controlled by condition) and that no vehicle maintenance is undertaken in the area which I consider could be also be controlled by a condition stipulating that only parking can take place within the site and no other ancillary activities associated with the business. The suggested condition to ban vehicles fitted with reversing alarms from the area is not enforceable and therefore cannot be imposed. However I do not consider that this should be fatal to the scheme and I say this in the context that noise such as reversing alarms and car doors being shut could occur to the site frontage (albeit not in such a concentrated space) at a similar distance that the nearest spaces proposed.

Whilst noting the concerns of residents and the Town Council's position (no objection) I have come to the view that impacts can be mitigated by condition to the point where in my view the scheme is just about acceptable in terms of impact on amenity. I therefore consider that the scheme now being proposed would accord with the Development Plan policies in this regard. Impact on Highway Safety

The proposed development would not alter the existing access to the site. The comments regarding the red line plan are noted, however the applicant has submitted a revised plan detailing means of access to the site, which as highlighted above would remain unaltered. It is not considered that the proposal would result in highway safety concerns. It is as such considered that the proposed development would accord with policy SP7 of the Core Strategy.

## Planning Balance and Conclusion

The proposed parking area would free up land within the main sales area of the site to enable space for further motorhome storage and sale to assist with the continued growth of the business which is line with the Development Plan and the national policy objectives.

The proposed change of use of land would not be visually prominent from the public realm and given the proposed boundary treatments it is unlikely that the neighbouring dwellings would experience the site as a staff car park whilst using their amenity space. Whilst the area proposed to be used for vehicle parking has historically formed part of the garden area of No. 21 Strawberry Hall Lane and is in relatively close proximity to other neighbouring garden areas it is considered that the proposed degree of separation, the limited number of vehicles that could be parked within the site, the hours of usage and proposed usage would not result in such a significant loss of neighbouring amenity to warrant refusal of the application. Subject to conditions it is

considered that on balance the proposal is acceptable and a recommendation of approval is offered.

# **RECOMMENDATION**

That the application is approved subject to the following conditions:

# **Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

• Proposed site plan Dwg No. 231\_2016\_02 Rev B received 09/05/17

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

03

The use hereby permitted shall not take place outside the following hours:-

0730 - 1830 Monday - Friday

0800 - 1600 Saturdays, Sunday and Public or Bank Holidays

Reason: In the interests of residential amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

05

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

The 1.8m close boarded boundary fencing hereby approved shall be maintained and retained for the lifetime of the development.

Reason: in the interests of neighbouring amenity.

07

Not more than 11 vehicles shall be parked within the site (as demonstrated on Proposed Site Plan Drawing No. 231\_2016\_02 Rev B received 09/05/1) at any one time.

Reason: in the interests of neighbouring amenity

08

The parking area hereby approved shall be used for staff vehicle parking only and no other use ancillary to the adjacent premises to which it will serve.

Reason: in the interests of neighbouring amenity

# Note to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

The permission hereby granted does not include the provision of any external lighting. Such provision would require the submission of a separate grant of planning permission.

## **BACKGROUND PAPERS**

Application case file.

For further information, please contact James Mountain on 01636 655841.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive

Committee Plan - 17/00544/FUL



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| Application No:         | 17/00694/FUL   |
|-------------------------|--|
| Proposal:               | Erection of 1 No. dwelling infilling a vacant site between existing properties |
| Location:<br>Applicant: | Land At Low Farm<br>Church Lane<br>Maplebeck<br>Kieran and Jane O'Connell      |
| Registered:             | 11.04.2017 Target Date: 06.06.2017   |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Maplebeck Parish Council has supported the application which differs to the professional officer recommendation.

## <u>The Site</u>

The application site is a large broadly rectangular plot of land approximately 0.59ha in extent to the north east of Church Lane but accessed from the end of Butt Lane at the northern boundary of the site. The site rises steeply in gradient from Church Lane with the south western boundary of the site forming a steep bank from the narrow lane. This boundary is heavily vegetated such that the site is largely screened from Church Lane. Butt Lane from which the site is accessed is a byway open to all traffic albeit it is narrow in nature serving three dwellings before terminating at the entrance to the site.

The site is bounded to the east and west by neighbouring residential curtilages typically occupying relatively large plots. Land to the north of the site is characterized as open countryside. In terms of geographic location, Maplebeck is surrounded by a number of other small villages such as Kersall, Winkburn and Caunton. Southwell is the nearest urban centre situated approximately 6km to the south west.

The site is within the designated Conservation Area which covers the majority of the village of Maplebeck. The Grade I listed Church of St Radegund is within the centre of the village to the south of the site. There are public footpaths in close proximity to the site. The site is within Flood Zone 1 according to the Environment Agency maps although a small portion of the site towards the south is shown as being at low risk of surface water flooding. There is also an area in the north eastern corner of the site which is considered to be at medium risk of surface water flooding.

## **Relevant Planning History**

The applicant has sought pre-application advice on development within the site but there is no

formal planning history in relation to the site.

# <u>The Proposal</u>

The proposal seeks full planning permission for the erection of a detached two storey, five bed house. The property has been designed to be finished with timber cladding with large expanses of glazing. The maximum pitch height of the dwelling would vary between approximately 8.4m and 9.4m owing to the gradient within the site. The foot print of the dwelling is substantial at approximately 208m<sup>2</sup> aligned broadly east to west on the site.

The site location plan has been amended during the life of the application such that the red line site location plan no longer includes Butt Lane in acknowledgement that it is adopted highway.

# Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

# Planning Policy Framework

## The Development Plan

# Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy Spatial Policy 3: Rural Areas Spatial Policy 7: Sustainable Transport Core Policy 9: Sustainable Design Core Policy 10: Climate Change Core Policy 12: Biodiversity and Green Infrastructure Core Policy 13: Landscape Character Core Policy 14: Historic Environment

# Allocations & Development Management DPD

Policy DM5 – Design Policy DM7 – Biodiversity and Green Infrastructure Policy DM9 – Protecting and Enhancing the Historic Environment

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

• Spatial Policy 3 Guidance Note

# **Consultations**

Maplebeck Parish Council – Support the proposal making the following observations:

- 1) Choice of materials for build to be in keeping with village
- 2) Pitch of roof height limited so as not to dwarf surrounding buildings
- 3) Modern drainage system to be installed with water run off to beck i.e. not soakaway etc.

# NSDC Conservation - Legal and policy considerations

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF).

Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

# Introduction

The village of Maplebeck is a Conservation Area which has benefitted from minimal intervention or insensitive modern development. As such is a small, rural location which demonstrates a cleary legible historic pattern of linear growth along the main thoroughfare, running east to west through the village. The village is dominated by the imposing Grade I listed Church of St Radegund (list entry 1045596), which has Norman origins and was restored in 1898.

The application site is located on Church Lane, on the opposing side of the road from the church to the north, and the levels change dramatically as Church Lane rises above the Church, towards the end of the cul-de-sac, with the land to the north side of Church Lane set high above the street, behind retaining walls and dense tree and foliage planting.

Flanking either side of the application plot are two dwellings, which do not make a particularly positive contribution to the character of the Conservation Area. To the west of the application site is a modern, late C20 dwelling which has been constructed in a palette of unsympathetic materials that are not suitable for their setting, although due to screening and distance, it does not impact negatively on the setting of the Church of St Radegund. To the east of the site is a Victorian house that has been largely extended and modified with a similar brickwork treatment, however the architectural form includes a streamlined, curved single storey 'art deoc' style bay that is wholly incongruous with the character of the Conservation Area and the setting of the church.

The application site itself is heavily screened by tree planting and foliage and does not form a strong relationship with the Church of St Radegund, or the neighbouring properties which are also contained within their own plots by planting.

# Assessment of proposals

In its present form, Conservation <u>objects</u> to the proposal due to the scale and inclusion of certain alien design features. Conservation considers that the proposal for the new dwelling is harmful and not in accordance with Paragraph 137 of the NPPF which states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. This is primarily due to the scale of the building, which is considered to be excessive and out of scale in the context of surrounding built form in this small rural hamlet. Conservation accepts there is mature tree planting at the front boundary of the site, however this would offer limited screening in winter months. The cumulative impact of both the ridge height and footprint are considered to represent a substantial scheme for its location. Should a revised application be submitted which seeks to reduce the impact of the ridge height and overall footprint, Conservation will be able to reappraise the submission on the basis of its reduced impact on the character and appearance of the conservation area.

Furthermore, the inclusion of a continuous band of solar panels and integral garaging on the front facing elevation are considered to be alien design features in this landscape and harmful to the character of this designated heritage asset. At the proposed height of the roof, the solar panels which span almost the full width of the roof, would be clearly visible from the streetscene. The proposal seeks to draw upon the form of a simple barn building, (commonly found in this rural setting) and represents an appropriate simple shape with a contemporary appearance. Development of this type is capable of preserving the character and appearance of the CA but the current submission falls short and lacks any clear and convincing justification.

In conclusion, the current scheme is considered to make a marginally negative contribution to the Maplebeck Conservation Area and is not therefore in accordance with Section 72 of the Listed Building and Conservation Area Act 1990 which requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.

**NCC Highways Authority** – This proposal is for the construction of a single dwelling served by a new vehicular access onto Butt Lane, which is public adopted highway and also a Byway Open to All Traffic.

The visibility is substandard for a vehicle emerging from Butt Lane onto The Hollows and it is considered that any significant increase in vehicular movements along Butt Lane should not be encouraged. However, due to the low number of vehicles associated with one additional dwelling, in this location it would be considered unreasonable to raise objection.

Therefore, in this instance, there are no highway objections subject to the following:

No part of the development hereby permitted shall be brought into use until a vehicular crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

## Note to applicant

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

**NCC Rights of Way Officer** – This application may impact on Maplebeck Parish Byway Open to All Traffic No 11 (aka Butt Lane), as shown on the attached working copy of the definitive map which is the access to the site.

This lane is also adopted highway so input from our Highways Development Control should be sought. I note that the lane is shown as being within the boundary of the site on the design & access statement and would question the accuracy of this as adopted highway.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

**Ramblers Association** – As long as pedestrian access along Church Lane remains safe and unimpeded we have no objection to these proposals.

**NSDC Access Officer –** Observations in relation to Building Regulations.

**Representations have been received from 2 local residents/interested parties both outlining support for the proposal.** In addition to the support outlined the following observations have also been made:

- Maplebeck has no mains facilities so a package treatment plant would be necessary for foul water
- Larger windows on the NE elevation would allow better rural views

## Comments of the Business Manager

# Principle of Development

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within other villages in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3. The five criteria outlined by Policy SP3 are location, scale, need, impact and character. Maplebeck falls to be considered as an 'other' village against Policy SP3. Before turning to assess the current proposal against the criteria of Policy SP3 it is also pertinent to set out the Council's housing supply position.

# Five Year Housing Land Supply

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should 'proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.' NPPF indicates that this will be achieved first and foremost, by local planning authorities, 'using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.'

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will also be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development

Management Policies DPD (July 2013). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that *on the balance of the evidence available to them* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see

<u>http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/</u> planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf ).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see

https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/

<u>consultationHome</u>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and a defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be a Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination, the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspector's decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

The following is an assessment of the proposal against the remaining criteria of SP3.

## Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' The proposed development site is located between existing residential curtilages to the north of Church Lane. The junction of Church Lane forms a nodal point in the village with the Church and associated grounds adjacent. The site represents a gap in the street scene fronting Church Lane and thus, although the Lane is a quiet rural track, it is considered that the site is within the main built up area of the village.

However, the services within the village of Maplebeck are very limited. This was acknowledged recently by an Inspector dealing with a site nearby (on the edge of the village so assessed primarily under the provisions of Policy DM8). In making their decision (APP/B3030/W/16/3155876) the Inspector stated the following:

# 'I noted during my visit that the village had limited services, and that as a result future occupiers would be likely to travel further afield for most day to day needs'.

The matter of local services has been addressed by the Design and Access Statement submitted to accompany the application. It is confirmed that Maplebeck has a Church, public house and a village hall which has recently undergone refurbishment. Indeed, I understand from the village website that there are a series of regular events operated from the village hall facility. Reference is also made in the D&AS to bus services which connect Maplebeck to wider settlements. Unfortunately I can find no reference online to the 31A service which it is claimed connects Maplebeck to Southwell. The 330 service to Newark only operates once inbound and once outbound on Monday to Fridays and not at all on weekends or bank holidays. The service arrives into Newark at 12:10 and departs to return to Maplebeck at 14:05. I therefore consider that this service presents limited opportunity to meet sustainability needs. There is no doubt, as is concluded above by the Inspector on a nearby site, that any proposed occupiers of the dwelling would be required to travel out of the village for day to day services such as local shops. There are no other settlements within a safe walking distance which would provide services to compensate for the lack of available services within Maplebeck itself.

Sustainability is in itself a difficult concept in that there is no definition as to what constitutes a sustainable settlement. A case could be presented that certain proposed occupiers would not require above and beyond the services which the village already provides. However, as an overall planning approach, officers must take a pragmatic view as to what an average proposed occupier would require. The application has been presented as a market dwelling and thus if approved, the council would have no control over occupation. Indeed it must be assumed that the built form of the dwelling would be permanent insofar as it would serve numerous occupiers over generations. Thus to allow a dwelling in what is considered to be an unsustainable location for general day to day living (on the basis of the average occupier concept) is considered wholly inappropriate and contrary to the overall sustainability aims of the NPPF.

Until such time as a housing requirement figure has been tested and found sound, the Council will take a pragmatic view on planning applications for residential development and consider development on sustainable sites which fall within main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term. However, in this instance I am of the view that the proposal does not constitute sustainable development owing to the limited services available within the locality without the need to use a private car and the current situation with regards to the Council's 5 year housing land supply does not outweigh this unsustainable location.

## Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I note the comments made during consultation in reference to the ability to connect to mains sewerage system. This has been acknowledged by the applicant and a revised section of the application form has been submitted during the life of the application to confirm that foul sewerage would be dealt with through a septic tank.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. The site lies within flood zone 1 and is therefore within an area at low risk of flooding. It is acknowledged above that part of the site is subject to a low / medium risk of surface water flooding but this is primarily outside of where the building footprint is proposed. I therefore do not consider that the proposal is likely to result in an increased flood risk to the local area.

# Impact on the Character of the Area (including heritage)

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policies DM5 and DM9, which confirm the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

Given the location of the site within the conservation area comments from the conservation officer have been sought and are available in full above constituting an objection to the proposal.

I would concur entirely with conservation colleagues that the scale of the building is substantial in the context of Maplebeck as a village. The submitted D&AS states that the design of the dwelling takes inspiration from modern barn designs with a pitched roof. It is stated that the property will be similar in scale to the neighbouring Church Cottage. However, it is my view that this scale cannot be justified by comparison to the neighbouring Church Cottage. Whilst the block plan demonstrates a similar footprint, the overall design is notably different. The proposed dwelling would be a stark contrast to the brick construction of the neighbouring dwelling which has an Lshaped plan form. The inclusion of design elements such as the proposed solar panels would also increase the prominence of the dwelling from the streetscene. The cumulative impact of the height and footprint of the proposed dwelling is therefore considered excessive.

Notwithstanding the above, I would also concur with the comments of the conservation officer in respect for the potential of a revised design being acceptable within the site:

The proposal seeks to draw upon the form of a simple barn building, (commonly found in this rural setting) and represents an appropriate simple shape with a contemporary appearance. Development of this type is capable of preserving the character and appearance of the CA but the current submission falls short and lacks any clear and convincing justification.

The site is of a substantial size such that appropriate screening could aide in mitigating a dwelling of a lesser scale and prominence. These comments have been passed to the agent for review however officers have been clear (as is discussed further in the overall balance below) that even a revised design which preserves the character of the conservation area is unlikely to overcome the objection to development in principle. It is therefore considered inappropriate to delay the decision of the current application to allow further negotiations. Clearly if the applicant does choose to address these comments through a revised scheme following agenda print then this will be reflected in the late items sheet presented to Members. However, on the basis of the current scheme submitted for consideration, the proposal is considered harmful to the designated conservation area and thus fails to achieve the objective of preservation Areas) Act 1990.

Matters of landscaping have not been addressed with the application submission. As is described in the site appraisal above, the site as existing is heavily vegetated along the south western boundary fronting Church Lane contributing to the rural character of the site. If Members were minded to approve the application then it is strongly recommended that a condition be added to ensure details of proposed landscaping are submitted. The retention of this rural character through established tree cover is considered to be both desirable and reasonable in terms of the size of the site (i.e. there would be little compromise to the amenity of the proposed occupiers).

# Need for Development

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need. There is brief mention of an individual need for a dwelling within the D&AS but this has not been supplemented further. There is suggestion from the consultation period that the applicants have resided in the village for a considerable length of time but this does not override the requirement for a proven local need to be a genuine need of the community. No local needs survey has been produced for the village of Maplebeck.

# Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed dwelling is orientated broadly east to west roughly in line with the building line established by Bryn Cottage and Rose Dene to the west. However, the immediately adjacent neighbours; Rose Cottage and Church Cottages, are set further southwards within their respective plots closer to Church Lane.

The proposed dwelling is of a substantial scale such that the maximum pitch height would be approximately 9.4m. However, I am conscious that this would not be a consistent height across the entire footprint of the dwelling due to the significant changes in land level which exist on the site. It is noted from site visits that the site as existing is heavily overgrown. This includes dense landscaping along the majority of the boundaries. Nevertheless there are elements of the boundary treatments that are more sparse such that both of the immediately adjacent neighbours side gables are visible from within the site.

Dealing firstly with the neighbouring dwelling to the east; Church Cottage, there would be a separation distance of approximately 24m at the closest point. I noted on site that the rear elevation of Church Cottages does not feature any first floor windows at its closest point which would be orientated towards the dwelling. Whilst there would undoubtedly be visibility of the proposed dwelling to the neighbour, I am confident that this would not amount to an overbearing impact to any principle windows. Equally the distance and aforementioned boundary treatment would restrict the ability for overlooking from the principle elevation of the proposed dwelling.

Moving then to assess the neighbouring dwelling to the west; Rose Cottage, the distance between would be much closer at approximately 10m. I have carefully assessed the likely impacts of the proposed dwelling in particular noting that Rose Cottage has a first floor window both on the gable end orientated towards the site and the rear elevation. There are no hard and fast rules to set distances which are considered to be acceptable in neighbouring amenity terms and indeed as with other matters, each application must be considered on its own merits. There are however guidelines which direct assessment. One of these such guidelines is to apply a '45 degree test' to ascertain whether a development will have an overbearing impact. Having applied this test in plan form, the proposed dwelling would not breach 45 degrees from broadly the centre of the neighbouring window on the rear elevation. Given the positioning of the proposed dwelling, the outlook of the neighbouring window on the side gable would be forward of the proposed dwelling rather than at the stark built form.

I have further considered impacts such as loss of light and privacy. I am mindful that the proposed dwelling is sited to the north east of the neighbouring plot and thus any impact on sunlight in the rear garden should be minimal and if anything limited to early hours of daylight. There are no windows proposed on the north west elevation. Any outlook from the rear windows would be at an oblique line of sight and in any case towards the rear extremes of the neighbouring garden. Moreover, the overall dense boundaries around the site will greatly assist in protecting neighbouring privacy.

Again there is full appreciation that there will be a degree of visibility of the development from the neighbouring plots primarily due to the proposed scale but on balance I do not consider that this would amount to a detrimental impact on neighbouring amenity which would warrant a resistance of the application in its own right.

The plot is of a substantial size to allow adequate provision of private amenity space for any proposed occupiers.

# Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note the comments of NCC Highways listed in full above. Whilst not constituting an objection to the proposal, they do make reference to the standard of Butt Lane as existing. Indeed it is noted from a site visit that the lane is very narrow in width and requires careful negotiation to reach the proposal site. Without a formal objection from the Highway Authority as the relevant highways expertise, it would be difficult to resist the application solely on highways safety grounds. Nevertheless the below standard state of the proposed access is an undesirable factor to the development which would ultimately weigh negatively in the overall balance of the scheme and further contributes to the identified unsustainability of the proposed development.

## Conclusion

The application has been carefully assessed against Spatial Policy 3 (Rural Areas) of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying 5 criteria namely, location, scale, need, impact and character.

With regards to location, although the site is considered to be within the main built up part of Maplebeck, Maplebeck is not considered to provide adequate facilities for residents and reasonable public transport connections to facilities in nearby larger settlements. As such the proposal is considered to fail the locational criterion of this policy.

This application relates to a new dwelling and is considered to be numerically small scale development and appropriate for the overall settlement of Maplebeck. It is not considered that the proposal would have an adverse impact in terms of excessive car borne traffic, upon local infrastructure or have such an adverse impact on residential neighbours that this would warrant a reason for refusal.

No proven local need has been demonstrated as part of this application.

In terms of design, the proposed scale of the dwelling is considered to be excessive and out of scale in the context of surrounding built form in this small rural hamlet. Despite existing boundary treatment, the scale and associated design features are considered to amount to harm to the designated Conservation Area. No clear and convincing justification has been presented which would outweigh this harm.

No other benefits of the scheme have been identified that are considered to outweigh the issues regarding heritage harm or Maplebeck's rural location and limited services available to provide a sustainable location for a new dwelling. As such, on balance, the application is recommended for refusal.

## **RECOMMENDATION**

# The application is refused for the following reason;

01

Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Maplebeck, this falls within the category of an "other village within Newark and Sherwood." This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3. The Council is of the opinion that it has a demonstrable 5 year land

supply against its Objectively Assessed Need (yet to be tested via full plan review) and that on this basis the issue of need as a material planning consideration should carry significant weight, particularly within a village such as Maplebeck which itself has limited local services.

The proposal represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF). There are no material considerations that outweigh the harm; the Council is satisfied that it has 5 year housing land supply which identifies suitable locations for new dwellings across the district on more suitable and sustainable sites. Therefore the Council is not in an intensified position to allow dwellings in such unsustainable locations where there is a proven supply of adequate land in other locations throughout the District.

## 02

The scale of the proposed building is considered to be excessive in the context of the surrounding built form in this small rural hamlet. The cumulative impact of both the ridge height and footprint are considered to represent a substantial scheme for its location. The incorporation of design features such as a continuous band of solar panels and integral garaging on the front facing elevation are considered to be alien design features in this landscape and harmful to the character of the designated Conservation Area. The development is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy, Policies DM5 and DM9 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration. There is no clear and convincing justification which has been presented to outweigh the identified heritage harm.

## **Notes to Applicant**

## 01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

## 02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

# BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext 5907.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive Committee Plan - 17/00694/FUL



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| Application No: | 17/00552/FUL   |
|-----------------|--|
| Proposal:       | Application for the removal/variation of Condition 3 attached to planning permission 16/00535/FUL; Erection of two storey detached house as per planning permission 10/01728/FUL |
| Location:       | Meadow Lea, Newark Road, Kilvington, NG13 9PD  |
| Applicant:      | Bailey RBS S&K Chan SIPPS  |
| Registered:     | 21.03.2017 Target Date: 16.05.2017   |
|                 | Extension of time requested but has not yet been agreed  |

This application is presented to the Planning Committee for determination because the recommendation differs from the Parish Council's views.

#### <u>The Site</u>

The site is located within the open countryside but within the parish of Kilvington. The site is immediately adjacent to Kilvington Lakes, which were previously mined for gypsum by open cast methods. The adjacent Kilvington Lakes site has been designated as a SINC (Site of Important Nature Conservation).

The site comprises an area of hard surfacing accessed by a roadway off Newark Road. A modest single storey domestic garage was previously in situ on site which has been recently removed. There is mature screening between the roadside and the application site. The site lies within Flood Zone 3 which is at highest flood risk.

#### Relevant Planning History

**02/01080/FUL** Change of use from residential to office accommodation (temporary). Planning permission granted July 2002.

**10/01375/FUL** Proposed demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. Planning permission refused November 2010.

**10/01728/FUL** Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. (Resubmission). Planning permission granted 4<sup>th</sup> February 2011. Permission expired 03/02/2014.

**13/01349/FUL** Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling (Extant Permission 10/01728/FUL). Application withdrawn October 2013.

**13/01882/DISCON** Request to discharge conditions 02, 03 & 04 of planning permission 10/01728/FUL - Demolition of existing vacant dwelling (authorised use) and erect replacement

dwelling. (Resubmission) Submitted 20.12.2013. Closed (conditions not discharged) 20.03.2014.

**16/00535/FUL** Erection of two storey detached house as per planning permission 10/01728/FUL. Planning permission was granted by the Planning Committee (02/08/16) contrary to Officer recommendation.

**16/00565/FUL** Temporary facilities to enable open water swimming including toilets, changing, classroom area, hire of equipment, catering, advertising banners and storage for equipment. Withdrawn

## The Proposal

This application seeks to vary condition 3 of planning permission 16/00535/FUL which was approved on the  $3^{rd}$  August 2016.

## Condition 3 states that;

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

The reason for the condition is: In the interests of visual amenity.

The applicants have requested that rather than the materials stated in 16/00535/FUL; Marley (Blue/black) roof slate, red brick, stone and render that the materials are; slate roof, white render and red cedar cladding.

The submitted plans also show the removal of the approved porch and chimney from the dwelling. Whilst not explicit in the description of development, the implication here is that a variation to condition 2 is also requested.

There would be no changes to the design, with the exception of the materials, porch and chimney, and the dwelling would not be altered in scale or size.

## Departure/Public Advertisement Procedure

No neighbouring properties have been individually notified by letter. A site notice has been posted at the site.

## Planning Policy Framework

## The Development Plan

# Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

# Allocations & Development Management DPD (adopted July 2013)

Policy DM3 – Developer Contributions and Planning Obligations Policy DM5 – Design Policy DM7 – Biodiversity and Green Infrastructure Policy DM8 – Development in the Open Countryside

# **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

# **Consultations**

# Alverton and Kilvington Parish Meeting;- Object

The permission as granted is for a brick and tile dwelling of fairly traditional appearance with a number of traditional features. The Parish Meeting has not previously opposed this application. The brickwork over the windows and the features of the chimney and the windows are apparent. The Parish Meeting was not unhappy with the overall design when it expressed its approval of the application some years ago.

Dwellings in these villages are traditionally of brick and tile construction and this is the typical architecture of the area. The proposed dwelling lies in a prominent position. While it is away from most of the houses in these villages, the dwelling would be extremely visible from the road between Kilvington and Staunton and will be a significant landscape feature in the view of the nearby lake from the road.

Respondents felt that the now proposed white acrylic rendering and first floor cedar cladding is not traditional in this area and would be less attractive. The applicant's planning statement is couched in terms that the newly proposed materials would represent "an alternative and more efficient construction methodology" – in other words it would be cheaper to build. There is no attempt to argue that the visual appearance of the building as proposed would be more in keeping or of a higher standard of design than the currently approved brick and tile dwelling. That is in our view because it would be out of keeping with the area and the site and is therefore of an unsatisfactory standard of design.

We consider that in this prominent location the proposed dwelling should be of a more traditional character – i.e. that for which permission has already been granted, a traditional looking brick and tile dwelling.

## Highway Authority;- No comments received

## Environment Agency (revised comments);- No comments

**Environmental Health Contaminated Land;**- Condition 3 of 16/00535/FUL does not relate to contaminated land and as such I have no comments to make.

Access and Equalities Officer: No observations.

No letters have been received from neighbouring occupiers.

## **Comments of the Business Manager**

## Introduction and Considerations

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

## The Principle

The principle of the dwelling has already been established and there is an extant permission on the site for a 2 ½ storey detached house, under planning permission 16/00535/FUL.

This application before Members relates solely to a variation in the proposed building materials and the impact of these amendments is considered below.

## Impact on Character of Area

Criterion 4 of Policy DM5 relates to Local Distinctiveness and Character and states that "The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, **materials and detailing** of proposals for new development". (emphasis added) Therefore, this application should be assessed against the criteria as set out in Policy DM5 and DM8 of the ADMDPD as well as the NPPF.

The scale and design of the building proposed is identical to the dwelling approved under planning permission 16/00535/FUL with the exception of the materials and the removal of an external porch and chimney.

Application 16/00535/FUL stated that the materials to be used would be Marley (Blue/black) roof slate, red multi brick, stone and render and Condition 3 was imposed requiring that samples of these materials were submitted and approved in writing prior to commencement of development.

This application proposes to vary this condition and request that the materials are slate roof, but with white render and red cedar cladding. The submitted plans show the dwelling with Weatherby acrylic off-white render at ground floor and Canadian Red Cedar cladding to the first floor. The windows would be triple glazed anthracite windows and aluminium drainpipes.

The overall external appearance of the previously approved dwelling would be altered by the change in materials and would also lose some of its design detailing such as the loss of details such as the brick headers above the windows. However, the dwelling sits in relative isolation, detached from the settlement and some distance from any adjoining properties. Sited to the north of Kilvington on the approach to the village the site does not relate to the settlement nor to Staunton to the north. The dwelling will be visible when approaching or exiting the village. The key consideration for Members is whether the change in materials and design modifications is such that this makes the scheme no longer acceptable. In determining the previous scheme (and ultimately deciding to approve the dwelling) Members did not appear to attach great weight to the design as this was essentially identical to a previous scheme from 2010 that had inadvertently been allowed to lapse.

It is also clear that the applicant intends to omit the porch and chimney from the proposals and has provided amended plans (albeit with the same drawing number) to show this. The implication here is that the applicant is also requesting the variation of Condition 2 (the plan condition) to allow for this change.

The loss of the chimney stack is unfortunate but this was previously included upon a dwelling that was to utilise the more traditional and vernacular detailing of red bricks and slate roof. If Members are minded to approve the change in materials, I consider that the omission of a brick chimney from a dwelling that is no longer to be constructed of bricks would not be unreasonable. It is also noted that the change in materials also removes the detailing (such as a window headers and cills) from the original design which is in keeping with the more contemporary feel of the dwelling. The porch feature on the front elevation is a pillared design with flat roof which is proposed to be omitted. Given its modest size at ground floor and the existing screening in the vicinity, I consider that this omission is acceptable and would not amount to an unacceptable loss to the design ethos.

The professional officer view to the changes sought is that, in the context of the approval, whilst the materials proposed are modern and the original design ethos has been somewhat diluted, this is on balance not considered to be so harmful as to warrant a reason for refusal. It is also noted that the applicant claims that the new building would be more efficient in terms of energy efficiency. In coming to this view some regard has also been given to what was on site prior to the demolition of the previous building that once occupied the site, which was a flat roofed structure.

Therefore, the proposed variation to Conditions 2 and 3 are considered to form acceptable development that would not so significantly adversely impact on the character and appearance of the area that would warrant a reason for refusal.

## Other Impacts

The scheme would remain unchanged in respect of residential amenity highway impact and protected species and these therefore do not require consideration.

## **Conclusion**

The proposed variation of materials and consequential design amendments to the approved dwelling, whilst more modern in appearance, would not cause significant harm to the character and appearance of the surrounding area. The development would not be detrimental to the amenity of neighbouring properties or impact upon highway safety. As such it accords with the relevant local policies and core principles of the NPPF.

## RECOMMENDATION

# That full planning permission is approved subject to the following conditions;-

## Conditions

01 (This condition has been amended (in bold) to reflect that fact that Members only gave one year to implement the scheme and a S73 application cannot be used to extend the time period for commencement)

# The development hereby permitted shall begin no later than 2<sup>nd</sup> August 2017.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02 (This condition has been amended to reflect that the applicant seeks to omit the chimney and porch from the development and consequently two of the plans require substituting. Amendments are in bold)

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans;-

Site location plan Drawing no. K2/PK/04/03 Internal Floor Plans Drawing no. K2/PK/04/01 North and South Elevations (received 21<sup>st</sup> March 2017) Drawing no. K2/PK/04/02 East and West Elevations (received 21<sup>st</sup> March 2017)

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

03 (This condition has been amended (changes in bold) to reflect the changes requested by this application).

The development shall be carried out in accordance with the approved materials (namely Weatherby acrylic off white render and Canadian red cedar cladding and Ardesia faux slate tiles) as detailed in the supporting statement dated March 2017 by Corylus Planning & Environmental Ltd unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

04 (Condition has been amended to reflect that the original condition has previously been discharged)

The development shall be carried out in accordance with the approved finished flood levels (being 18.78 AOD as per the letter from RSK Consultants dated 1<sup>st</sup> June 2016) unless otherwise agreed in writing by the local planning authority through the submission of a non-material amendment application.

Reason: In the interests of reducing flood risk.

05 (This condition remains unchanged)

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside.

06 (Condition amended to reflect that the boundary treatment condition as originally imposed has already been discharged)

The development shall be undertaken in accordance with the approved boundary treatments as detailed on drawing no. K2/PK/02/01 and these approved boundary treatments shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

07 (This condition has been carried to reflect that the details have already been discharged).

The approved soft landscaping scheme as shown on drawing no. K2/PK/02/01 shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. Reason: In the interests of visual amenity and biodiversity.

# Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

The proposed development is in a potentially Radon Affected Area\*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerals per cubic metre (Bq/m<sup>3</sup>). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: http://www.newark-sherwooddc.gov.uk/radon

\*based on indicative mapping produced by the Health Protection Agency (now known as Public Health England) and British Geological Survey Nov 2007.

# BACKGROUND PAPERS

Application case file.

For further information, please contact Jennifer Wallis on ext. 5419.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Committee Plan - 17/00552/FUL



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| Application No: | 17/00597/FUL  |
|-----------------|---|
| Proposal:       | Variation of Condition 2 of Planning Permission 16/00883/FUL<br>(demolition of Southernmost Existing Cottage (No.2 Tenters Cottage) &<br>Erection of Replacement Two Bedroom Cottage , Demolition of Derelict<br>Outbuildings (Nos.1&2 Tenters Cottage), Erection of Pair of Two<br>Bedroom Semi-Detached Cottages, Erection of Three Bedroom Detached<br>Dwelling and Creation of New Access to No.1 Tenters Cottage) which<br>requires that Phase B (Demolition and Reconstruction of NO 2 Tenters<br>Cottage) should be completed before Phase C (New Pair of 2 Bedroomed<br>Semi Detached Cottages) and replace with Condition that new pair of<br>cottages cannot be occupied before the demolition and reconstruction of<br>No2 Tenters Cottages is complete. |
| Location:       | Tenters Cottage And Adjacent Site<br>Tenters Lane<br>Eakring<br>NG22 0DQ  |
| Applicant:      | Mr Peter Wagstaff   |
| Registered:     | 28.03.2017 Target Date: 23.05.2017<br>Extension of Time Agreed Until 09.06.2017   |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Eakring Parish Council has objected to the application which differs to the professional officer recommendation.

## <u>The Site</u>

The application site is a rectangular plot approximately 0.2 hectares in extent at the corner plot of Church Lane and Tenters Lane. The site as existing (notwithstanding construction works discussed below) comprises the residential curtilage of two semidetached properties set towards the north western corner of the site. The existing properties' principle elevations are orientated towards Tenters Lane albeit their rear elevations are visible from Church Lane. The properties are designated as local interest buildings with the gable end forming a prominent elevation at the junction. The boundary treatment to Church Lane features both fencing and hedges.

The north east of the site currently forms a development plot for a detached dwelling approved under planning reference 16/00883/FUL to which this variation of condition application relates. At the time of officer site visit, the dwelling was erected in block work to roughly eaves height.

The site is situated within the designated conservation area. There are neighbouring residential properties shared with the southern and eastern boundaries of the site as well as on the opposite side of Church Lane. The land use to the west, on the opposite side of Tenters Lane is a farmyard with associated detached buildings along the eastern boundary.

# Relevant Planning History

**16/00883/FUL** - Demolition of Southernmost Existing Cottage (No.2 Tenters Cottage) & Erection of Replacement Two Bedroom Cottage , Demolition of Derelict Outbuildings (Nos.1&2 Tenters Cottage), Erection of Pair of Two Bedroom Semi-Detached Cottages, Erection of Three Bedroom Detached Dwelling and Creation of New Access to No.1 Tenters Cottage.

# Application approved 4<sup>th</sup> August 2016.

**16/01947/DISCON** - Request for confirmation of discharge of conditions 04, 05, 06, 10 and 11 attached to planning permission 16/00883/FUL for Demolition of Southernmost existing cottage etc and Erection of three bedroom detached dwelling and creation of access to No.1 Tenters Cottage.

# *Conditions discharged* 16<sup>th</sup> *January* 2017 *allowing commencement of Phase A.*

**17/00531/DISCON** - Request for confirmation of discharge of conditions 04, 05, 06, 10 and 11 of planning permission 16/00883/FUL: Demolition of Southernmost existing cottage (No 2 Tenters Lane) and erection of replacement two bedroomed cottage, demolition of derelict outbuildings (Nos. 1 and 2 Tenters Cottage); erection of pair of two bedroomed semi detached cottages, erection of three bedroomed detached dwelling and creation of new access to No 1 Tenters Cottage.

# *Conditions discharged* 18<sup>th</sup> *May* 2017 *allowing commencement of Phases B and C.*

**17/00754/FUL** - Application to vary condition 3 of planning permission 16/00883/FUL to allow the following amendments:

Addition of a rear two-storey extension to the existing No.1 Tenters Cottage and the replacement No.2 Tenters Cottage and

Substitution of new design for the pair of new semi-detached cottages on Tenters Lane.

Pending Consideration.

## The Proposal

The current application has been submitted as a Section 73 application seeking to amend condition 2 of the original permission (16/00883/FUL). For the avoidance of doubt condition 2 states:

The development shall be implemented in accordance with the phasing scheme shown on drawing no. 1723/A/01a received 22nd July 2016 unless otherwise agreed in writing through a non-material amendment. For the avoidance of doubt Phase B should be completed prior to the commencement of Phase C.

Reason: In order for the development to be delivered in a satisfactory manner in the interests of bringing the vacant units back into use before the construction of the two new-build semi-detached properties and in line with the applicant's aspirations for development within the site.

The application form outlines the rationale behind the submission seeking to amend the wording of the condition to state that the newly built semi-detached cottages (i.e. Phase C) cannot be *occupied* until the works to No.1 and No.2 Tenters Cottage are complete (i.e. Phase B). It is contended that this will allow construction works to be undertaken simultaneously allowing tradesmen to stay on site rather than extend the contract period. Again for the avoidance of doubt the approved phasing plan related to the following:

- Phase A Construct the new 3 bedroom cottage and sell to generate financial capital
- Phase B Undertake the demolition and reconstruction of No.2 Tenters Cottages and repair/refurbish No.1 Tenters Cottage
- Phase C Construct the pair of new semi-detached cottages

# Departure/Public Advertisement Procedure

Occupiers of ten properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

# Planning Policy Framework

# The Development Plan

# Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 3: Housing Mix, Type & Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character
- Core Policy 14: Historic Environment

# Allocations & Development Management DPD (adopted July 2013)

- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment

# **Other Material Planning Considerations**

• National Planning Policy Framework 2012

- Planning Practice Guidance 2014
- Eakring Conservation Area Appraisal
- SP3 Guidance Note

## **Consultations**

**Eakring Parish Council** - Eakring Parish Council object to the proposal. They consider that NSDC must have felt they had sound reasons for imposing the conditions initially and the applicant was aware of the conditions when he acquired the land/property after planning permission was granted.

**NCC Highways Authority** – This application is for the variation of Condition 2 of previously approved application 16/00883/FUL. The variation is not expected to have a significant impact on the public highway, therefore, there are no highway objections.

NSDC Access and Equalities Officer – No observations.

**NSDC Waste** – No comments received.

**NSDC Conservation** – Conservation had no observations to make on this proposal since the phasing of works has no bearing on the acceptability of the scheme from a heritage perspective.

**NSDC Strategic Housing –** No comments received.

**Trent Valley IDB** – The site is outside of Trent Valley Internal Drainage Board district but within the Boards catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Nottinghamshire Wildlife Trust - No comments received.

Representation has been received from one local resident/interested party which can be summarised as follows:

- The proposal would probably result in a shorter construction period and therefore have a shorter disruption to the local area which would be desirable.
- Concern that the new proposal should be fully enforceable to ensure the existing cottages are not left to deteriorate further.

## Comments of the Business Manager

## *Principle of Development*

The application has been submitted as a Section 73 application to vary an existing condition. The principle of development in terms of the erection of 3 dwellings and the refurbishment of the existing cottages has therefore already been accepted and indeed Phase A is well under way to being delivered on site. As is outlined by the proposal above, the key change to the current application is for a variation to the wording of the Phasing condition. I therefore consider that the key matter for assessment in this application is whether or not a revised wording of the condition would still achieve the intentions of the original condition.

The committee report accompanying the extant application (presented to Members in August 2016) discussed in detail the implications of the proposal on the character of the area:

Tenters Cottage has both historic interest and architectural interest. The building and plot contribute positively to the significance of the CA.

The proposal includes the demolition of one of the existing pair of Tenters Cottages. The justification for this has been provided by a Structural Survey dated 31<sup>st</sup> May 2016. This confirms that the cottage is in a very poor state and that works to bring the cottage back to a habitable state would be substantial including replacing the roof structure and ceiling and underpinning the entire foundation footprint. As a consequence the recommendation of the report is that the cottage should be demolished and re-built.

It is noted that the proposal would bring the cottages back to their intended residential use and thereby secure the longevity of the non-designated heritage assets. Having viewed the supporting information I have no reason to dispute that the most appropriate course of action would be to demolish and re-build 2 Tenters Cottage and thus there is no objection to this element of the proposal in principle. Likewise there is no objection in principle to the demolition of the outbuildings within the rear gardens of the cottages.

The key point to take from the above assessment is that the existing cottages are deemed as a non-designated heritage asset. As a consequence officers in making their recommendation were minded to agree a phasing condition to avoid the scenario where three new market dwellings could be built without the renovation of the existing cottages. The phasing scheme was presented by the original applicant and accepted by the LPA as suiting such a purpose.

Notwithstanding the above, officers concede that the wording of the original condition could have implications in terms of construction timescales on site. The applicant for the current application has suggested a re-wording of the condition which would allow the works on Phase B and C to be undertaken at the same time but not allow the new dwellings on Phase C to be occupied until the works to the existing cottages have been completed. Officers consider that this amendment to the wording of the condition would still achieve the original intentions of the condition. As such the section 73 application is deemed acceptable on the basis of varying the condition as follows:

The development shall be implemented in accordance with the phasing scheme shown on drawing no. 1723/A/01a received 22nd July 2016 unless otherwise agreed in writing through a non-material amendment. For the avoidance of doubt <u>the dwellings hereby approved within Phase C shall not be occupied until Phase B is complete to a degree that the existing cottages are capable of occupation.</u>

Reason: In order for the development to be delivered in a satisfactory manner in the interests of bringing the vacant units back into use before the <u>occupation</u> of the two new-build semi-detached properties and in line with the applicant's aspirations for development within the site.

It is noted that the Parish Council have objected to the current application and concern has been raised by an interested party that the revised condition should continue to be enforceable. As outlined above, officers are satisfied that the wording of the condition can be amended and still achieve the intentions of the original condition in terms of the benefits of bringing vacant heritage assets back into use. The revised wording of the condition is not considered to materially affect other areas of assessment undertaken in full in the appraisal of the original scheme such as matters of amenity and highway implications. It is therefore not considered necessary to re-rehearse these matters at this stage noting the existence of the extant permission.

Given that the proposal relates to variation of a condition attached to a previous approval it is necessary to repeat all relevant conditions for clarity. In the instance where conditions have been previously discharged, the conditions shall be re-worded to ensure that development is implemented in accordance with the approved details. For the avoidance of doubt where the wording of the conditions have been altered they are done so through underlined and italicised text. The numbers of the original conditions will be altered owing to the removal of a time compliance condition given that the works have already commenced on site. Thus whilst the application description refers to Condition 2, the amended condition is now Condition 1.

# **RECOMMENDATION**

# That full planning permission is approved subject to the conditions and reasons shown below.

# **Conditions**

01

The development shall be implemented in accordance with the phasing scheme shown on drawing no. 1723/A/01a received 22nd July 2016 unless otherwise agreed in writing through a non-material amendment. For the avoidance of doubt <u>the dwellings hereby approved within Phase C</u> <u>shall not be occupied until Phase B is complete to a degree that the existing cottages are capable of occupation.</u>

Reason: In order for the development to be delivered in a satisfactory manner in the interests of bringing the vacant units back into use before the <u>occupation</u> of the two new-build semi-detached properties and in line with the applicant's aspirations for development within the site.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Block Plan 1731.A.1d
- Tenters Lane New Cottages 1731.A.2a
- Tenters Lane Replacement Cottage Church Lane New House 1731.A.3c

Unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

03

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the material details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A the approved details are contained within the letter sent by the LPA dated 16<sup>th</sup> January 2017 and in respect of Phases B and C, the approved details are contained within the letter sent by the letter sent by the letter sent by the LPA dated 18<sup>th</sup> May 2017.

Reason: In the interests of visual amenity.

04

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the window; door (and associated treatments); verge and eaves; soil and vent pipes and rainwater details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A the approved details are contained within the letter sent by the LPA dated 16<sup>th</sup> January 2017 and in respect of Phases B and C, the approved details are contained within the letter sent by the letter sent by the LPA dated 18<sup>th</sup> May 2017.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the drainage details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A <u>the approved details are contained within the letter sent by the LPA dated 16<sup>th</sup> January 2017 and in</u> <u>respect of Phases B and C, the approved details are contained within the letter sent by the LPA</u> <u>dated 18<sup>th</sup> May 2017.</u>

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9.

06

No part of the development hereby permitted shall be brought into use until the 2 dropped vehicular verge crossings onto Church Lane are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.

07

No part of the development for any phase pursuant to condition <u>1</u> shall be brought into use until the drives and parking/turning areas for that phase are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives and parking/turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

08

No part of the development for any phase pursuant to condition  $\underline{1}$  shall be brought into use until the parking areas for that phase are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

09

<u>Unless otherwise agreed in writing by the local planning authority, the development hereby</u> <u>approved shall be carried out in accordance with the boundary details agreed through the</u> <u>discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A</u> <u>the approved details are contained within the letter sent by the LPA dated 16<sup>th</sup> January 2017 and in</u> <u>respect of Phases B and C, the approved details are contained within the letter sent by the LPA</u> <u>dated 18<sup>th</sup> May 2017.</u> The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority. Reason: In the interests of residential and visual amenity.
<u>Unless otherwise agreed in writing by the local planning authority, the development hereby</u> <u>approved shall be carried out in accordance with the landscaping details agreed through the</u> <u>discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A</u> <u>the approved details are contained within the letter sent by the LPA dated 16<sup>th</sup> January 2017 and in</u> <u>respect of Phases B and C, the approved details are contained within the letter sent by the LPA</u> <u>dated 18<sup>th</sup> May 2017.</u> The approved soft landscaping shall be completed during the first planting season following the commencement of the development within its respective phase, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping elements of the scheme shall be implemented on site prior to first occupation or use of each associated phase.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

## 011

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority. Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

#### 012

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of: Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand along solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand alone wind turbine on domestic premises

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: In the interests of visual amenity and in order to preserve the setting of the conservation area.

## Note to Applicant

## 01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

# 02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

# 03

In the event that any bat/s are found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site (other than those expressly shown will be removed to make way for built development permitted by this permission) you may require the prior consent in writing of Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

The development makes it necessary to construct 2 vehicular crossings over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: 0300 500 8080 to arrange for these works to be carried out.

# BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive

Committee Plan - 17/00597/FUL



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| Application No: | 17/00623/FUL  |                                      |  |
|-----------------|---|--------------------------------------|--|
| Proposal:       | Proposed New Dwelling   |                                      |  |
| Location:       | Land To The Rear Of Frank                                     | lyn Lower Kirklington Road Southwell |  |
|                 | Land To The Rear Of Franklyn Lower Kirklington Road Southwell |                                      |  |
| Applicant:      | Mr S Wendels  |                                      |  |
| Registered:     | 30 March 2017   | Target Date: 25 May 2017             |  |
|                 | Extension of Time granted until 9 <sup>th</sup> June 2017     |                                      |  |
|                 |   |                                      |  |

This application is being referred to the Planning Committee given that Officer's recommendation differs to that of the Town Council and because the applicant is a relative of Councillor Wendels.

#### <u>The Site</u>

The application site relates to the western section of garden area associated with Appleyard, a two storey red brick dwelling. The site is situated on the north western edge of the settlement of Southwell and within the urban boundary for the settlement. The site is accessed from a private road which currently provides access to 4 residential dwellings, a cattery which was granted consent for change of use to residential use in January 2017 and a further 4 residential properties which were approved by Members in November 2016.

The site appears to be the former parking and partial garden area for Appleyard and is grassed, slightly sloping and partially gravelled.

To the south are two further residential properties and to the west a now redundant cattery. The wider land to the south and west is allocated for residential development of approximately 45 dwellings under policy So/Ho/4. The development is situated within Flood Zone 1 in accordance with Environment Agency mapping and is not designated as being prone to flooding from surface water.

#### Site History

17/00389/FUL – Erection of single storey 2 bed barn style dwelling. Approved May 2017.

**17/00221/FUL** - Variation of condition 2 attached to 16/01388/FUL to allow amendments to plot 2. Approved February 2017.

**16/02041/FUL** - Change of use from commercial to residential C3 Use. Retaining existing structure with extension to the east side to create bedroom and bathroom area, and smaller extensions to the north and south to create an open plan kitchen/diner with utility room. Approved January 2017.

**16/01388/FUL** - Phased development of four detached dwellings and alterations to existing access and driveway. Approved November 2016.

**15/02179/FUL** - Erection of four detached dwellings and alterations to existing access and driveway on the same application site. Approved July 2016.

### The Proposal

The application seeks full planning permission for the construction of a two storey dwelling, in addition to those already approved by Members as detailed above.

The dwelling would have a two storey front facing gable with single storey projection to the side. The property has been designed to follow the contours of the land with the western side of the site (the highest) designed to be single storey. The property would have a width of 14m, depth of 11m and ridge height of 8m. It would provide 3 bedrooms with one at ground floor level and an integral garage. It is proposed for parking to be on the frontage of the property with private garden area to the rear.

The property would be constructed of red brick and render with grey concrete interlocking roof tiles.

## Departure/Public Advertisement Procedure

Four neighbours have been individually notified of this application by letter.

#### **Planning Policy Framework**

#### The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement hierarchy Spatial Policy 2: Spatial distribution of growth Spatial Policy 6: Infrastructure for Growth Spatial Policy 7: Sustainable transport Core Policy 1: Affordable Housing Provision Core Policy 3: Housing Mix, Type and Density Core Policy 9: Sustainable design Core Policy 10: Climate Change Core Policy 12: Biodiversity and Green Infrastructure

## Allocations and Development Management DPD Adopted July 2013

DM5: Design DM12: Presumption in favour of sustainable development So/HN/1: Southwell Housing Need

Southwell Neighbourhood Plan (Adopted October 2016)

Policy SD1: Delivering Sustainable Development Policy DH1: Sense of Place Policy E1: Flood Risk Assessments and Mitigation Policy E2: Flood Resilient Design Policy TA3: Highways Impact

## Other Material Planning Considerations

National Planning Policy Framework 2012 Planning Practice Guidance 2014

## **Consultations**

## Southwell Town Council – Objection

'An overall development plan with respect for highways is needed so that safe access to/from the adjacent allocated sites of So/Ho/4 and So/Ho/5 is not compromised.

The land at the rear of Brooklyn (Planning Application 17/00383/OUT Brooklyn Lower Kirklington Road) is also adjacent to the site.

This is a piecemeal uncoordinated development on a site which now comprises of 10 houses and constitutes the planning of an estate by stealth.

With reference to the Neighbourhood Plan the application does not comply with the following:

Policy E2 Flood Resilience Design – Rainfall drainage and run off. The development is not in the flood zone but the water run-off will contribute to the flooding risk in Kirklington Road. No plan has been included in the application as to how the increased run off will be handled.'

Southwell Civic Society - "We strongly object to this application.

The application appears to be a cynical and unjustified attempt to avoid complying with NSDC Development Plan policies and the policies and general spirit of the Southwell Neighbourhood Plan which recently received overwhelming public support.

This is the 10th house proposed along this private drive leading to backland development. In the last ten months there have been two other separate planning applications approved on this site, one for four houses and one for a single dwelling. <u>This in reality would create a housing estate by stealth</u> with an additional one adjoining on the east. These are contiguous with each other and with site Policy SS4. The statutory Neighbourhood Plan requires a development plan across the whole site and the numbers, if submitted together, would trigger the requirement for dwelling size percentages and also CIL.

No flood alleviation plan has been submitted.

<u>Piecemeal development compromises proper planning. Access issues along LKR have not gone</u> <u>away and have still to be sorted out for SS4 and SS5.</u>

#### **Trent Valley Internal Drainage Board**

Surface water run off rates to receiving watercourses must not be increased as a result of the development

## NCC Lead Local Flood Team – No objection

**NCC Highways Authority** – 'Providing this proposal does not compromise the access works associated with Planning Permission 16/01388/FUL, I have no objection to this application.'

No letters of representation received from neighbours or interested parties.

#### Comments of the Business Manager

The site is located within Southwell which is defined as a Service Centre with a good range of local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within service centres to help provide service provision for a large local population and a rural hinterland.

For the avoidance of doubt the Council's most up to date position (as of April 2017) is that it is confident that it has a 5 year housing land supply against an independent Objectively Assessed Need and that this is robust and defensible. Whilst this cannot yet attract full weight, given the advancing stage of the Plan Review and that the OAN is the only professionally produced OAN undertaken in line with our duty to cooperate with two other Councils, that this should carry considerable weight.

The Southwell Neighbourhood Plan (SNP) seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting; I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such there is no objection in principle to the residential development at the site. However matters such as housing need, the impact upon the character of the area, residential amenity of neighbouring properties and highway safety will all need to be taken into consideration and are discussed below.

#### Housing Need/Mix

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with the identified housing need. This drive to secure smaller units is a material consideration and must remain so given that this policy is the one of only two of its type in our district whereby it was felt necessary to intervene in the market to secure smaller dwellings. Of course it could be argued that given this site is immediately adjacent to a scheme that has received permission for 4 houses last year that it should be subject to this policy or it could be perceived as circumventing the planning system. On this basis I considered the mix of the dwelling proposed further.

Whilst the proposed dwelling is shown on plan to have 3 bedrooms and would not strictly accord with the requirements of So/HN/1, I am mindful that the property would offer primarily ground floor based accommodation with only modest first floor space. It is considered that the dwelling has been designed for life, with the opportunity to use space on the ground floor for a bed room or alternately for additional living space. The applicant could for example have labelled the ground floor bedroom as an additional living area or study and it would have then have met the aspirations of So/HN/1 policy. It is also noted that the overall scale of the dwelling is relatively modest when compared with those immediately to the south and those under construction to the east. Taking all of the above into account I consider that the proposed development could be considered to be acceptable in this instance.

#### Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Southwell Design Guide at Appendix 1 associated with policy DH1 (sense of place) of the Southwell Neighbourhood Plan (SNP) states amongst other things that 'development which materialises in Southwell will be: contextually responsive, attractive, functional and most importantly will meet the design aspirations of the local community'.

The proposed dwelling would be sited adjacent to a red brick pantile roofed two storey dwelling (Appleyard) and opposite two further two storey dwellings both with extensive footprints; one constructed in red brick and one in smooth white render. The proposal would offer a dwelling of primarily single storey construction with a front facing two storey gable and single storey side element. The site slopes from north to south and from west to east. The proposed dwelling has been designed to follow the contours of the land and would be cut in on the western side of the site where the land level is highest. It is proposed that the dwelling be constructed of a lower course of red brick with the main facing material to be white smooth render. It is considered that the contrast of brick and render would fit in with neighbouring properties and would not be dissimilar to the materials proposed on the recently approved 4 new dwellings which have recently commenced construction.

Initial concern was raised that the dwelling appeared a bit tight in the plot being inset from the west by 1.5m and east by 0.5m. Whilst the proposed dwelling would appear to be tighter in its plot than the recently approved plots 2, 3 & 4, it would be comparable to plot 1, the single storey dwelling. It is considered that due to the property mainly being of single storey construction with ample parking to the front and private garden area to the rear, that the dwelling would not appear unduly cramped within the street scene. I am therefore satisfied that the proposal accords with policies from the Development Plan and Neighbourhood Plan in this regard.

#### **Impact on Residential Amenity**

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. No direct reference is made within the adopted SNP and as such weight shall only be attached to the above local and national policies.

The property would in the majority be aligned with the side gable of Appleyard with an approximate 0.5m overhang to the front and rear. As such it is not considered that the dwelling would result in a loss of light or overbearing impact on occupiers of Appleyard. In relation to the cattery situated on the western boundary of the site the proposed dwelling would offer approximately 7m by way of separation. Furthermore, the western side of the proposed dwelling has been designed to be single storey in height and as such given the degree of separation and modest ridge height of 6m it is not considered that the proposed dwelling would result in any

significant degree of overbearing on the proposed converted dwelling at the cattery (not yet implemented but remains extant).

Fenestration is proposed at first floor level on the front and rear elevations of the property, however the proposed openings are not considered to result in any greater degree of overlooking than that currently presented from openings contained on the same aspects within the neighbouring Appleyard.

In conclusion it is considered that the proposed dwelling would not detrimentally impact upon the amenity of adjacent properties by way of overlooking, overbearing or loss of light.

In relation to the provision of amenity for future residents; the property would be set back from the access road with parking provided to the front. The principle private amenity space would be situated to the rear and would be generous being approximately 160m<sup>2</sup> in size. It is as such considered that the proposed dwelling would afford sufficient amenity provision for future residents.

It is therefore considered that the proposal would accord with Policy DM5 of the DPD in this regard.

## Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The application proposes an integral garage within the property. From the submitted block plan it also appears that there is sufficient parking space for a number of vehicles to the front of the property. The finish of the front of the property shall be controlled by way of a hard and soft landscaping condition to ensure a suitable finish is achieved. No objection to the proposed development has been raised by Nottinghamshire Highways Authority who do not consider that the proposed development would compromise the access works associated with the consent for the 4 dwellings on the site (16/01388/FUL).

On the basis of the above, I am satisfied that the proposed scheme would not result in an adverse impact upon highway safety. The proposal is therefore considered to accord with Policy SP7 and DM5 and policy TA3 of the SNP.

## Impact on Flooding

Policy E2 of the SNP states that Development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. The proposed development is located in Flood Zone 1 in accordance with Environment Agency mapping, in addition the site is not considered to be at high risk of surface water flooding and as such no flood risk assessment is required in support of the proposal.

Notwithstanding this, the comments from the Town Council have been noted and the applicant has submitted revised plans to demonstrate how surface water would be managed. It is proposed that a soakaway be constructed to the front and rear of the property with water recycled as grey water and used for toilet flushing and watering of the garden. It is considered that the proposed

method of surface water management is acceptable and this means of treatment could be controlled by condition.

## **Other Matters**

The comments from the Town Council regarding the development of the wider site being piecemeal is noted, however it is considered that each individual application must be considered on its merits and consideration has been given to the consents granted on the wider site and it is not considered that the proposed development would compromise these, or the ability to bring forward development on neighbouring sites.

## Conclusion

The development proposes a modestly scaled dwelling on a site defined as being within the main built up area of Southwell. The dwelling has been designed with characteristics similar to existing and proposed neighbouring dwellings and would not result in highway safety concerns, flooding issues nor loss of amenity. The dwelling has been submitted as a standalone application rather than be submitted as part of the adjacent development for 4 dwellings. However it is not considered that this has circumvented the planning system in terms of the requirement to provide the majority of smaller 1 or 2 bedroom houses on sites in Southwell and regard has been given to the relatively modest dwelling which promotes 3 bedrooms, one of which is at ground floor and could be used as living accommodation instead. Taking all matters into account it is therefore considered acceptable in terms of Policy So/HN/1.

Therefore the proposal is considered to accord with the Development Plan and there are no material considerations which would warrant refusal of the application.

## **Recommendation**

## Approve, subject to the following conditions;

## **Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

## 02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

Scheme design Dwg No. 514-01 Rev C received 08/5/17

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual amenity and biodiversity.

05

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

Prior to occupation of the dwelling hereby approved drainage installation shall be carried out in accordance with the details as detailed on Scheme design Dwg No. 514-01 Rev C received 08/5/17 and shall thereafter be so retained.

Reason: To ensure the drainage is appropriate for the site and in the interests of residential amenity and the environment.

07

Prior to occupation of the dwelling hereby approved, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include (but is not limited to) the installation of bird, bat and hedgehog boxes and shall detail the design, number and precise location of these on site. The approved scheme shall be implemented on site prior to first occupation and shall be retained for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of Classes A - F and no additional windows shall be added into any elevation of the dwelling hereby approved unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interest of residential amenity.

# <u>Informative</u>

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

It is recommended that consideration be given to inclusive access and facilities for all. With regard to proposal, it is recommended that access recommendations described in Sections 6 to 10 of Approved Document M are incorporated as far as is reasonably practicable. In particular, the approach to, into and around the dwelling should be carefully considered to facilitate easy access and manoeuvre. Accessible switches and sockets and suitable WC provision etc. are important considerations. It is recommended that a separate enquiry be made regarding Building Regulations.

# BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on ext 5841.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive

Committee Plan - 17/00623/FUL



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#### PLANNING COMMITTEE – 6 JUNE 2017

| Application No: | 17/00675/FUL   |  |
|-----------------|--|--|
| Proposal:       | New Chalet bungalow to the rear of Denholme Cottage                |  |
| Location:       | Denholme Cottage, Halam Road, Southwell, Nottinghamshire, NG25 0AH |  |
| Applicant:      | Mrs S Raworth  |  |
| Registered:     | 6 April 2017   | Target Date: 1 <sup>st</sup> June 2017 |

# This application is presented to the Planning Committee because the professional officer recommendation is contrary to the view of Southwell Town Council.

#### <u>The Site</u>

Denholme Cottage is a building of local interest located within the Southwell Conservation Area and within the defined built up part of the town. The site is located close to the junction between Halam Road and Kirklington Road and forms a cluster of buildings with historical significance; nos. 4 and 6 Halam Road are also local interest buildings with nos. 1 and 2 Grade II Listed.

The cottage is located to the south of the plot with a large garden to the rear (north). Access to the site is to the west of the site and adjacent dwellings lie to the north, east and west of the site.

#### Relevant Planning History

05/00499/FUL - Erection of two storey side extension (permitted 06.05.2005)

5678870 - Alterations, improvements and extension (permitted 12.09.1978)

#### The Proposal

The proposal seeks full planning permission for the erection a detached 1.5 storey dwelling on garden land currently associated with the residential property Denholme Cottage. The dwelling would have a simple, traditional vernacular with approximate footprint of 80m<sup>2</sup> and a ridge height of 7.1m. Dormer windows are proposed to be located along the western elevation, which is also the principal elevation, with 1no. rooflight to the eastern elevation. It is proposed that the dwelling would be of brick and pantile construction.

The site would be accessed from Halam Road, between Denholme Cottage and Zennor and would be gravelled and paved. The site would provide 4no. parking spaces, 2 for each property.

#### Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

## **Planning Policy Framework**

## The Development Plan

## Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy Spatial Policy 2: Spatial Distribution of Growth Spatial Policy 7: Sustainable Transport Core Policy 3: Housing Mix, Type and Density Core Policy 9: Sustainable Design Core Policy 14: Historic Environment

#### Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy Policy DM3: Developer Contributions and Planning Obligations Policy DM5: Design Policy DM9: Protecting and Enhancing the Historic Environment

#### Southwell Neighbourhood Plan (made/adopted October 2016)

Policy SD1: Delivering Sustainable Development Policy E1: Flood Risk Assessments and Mitigation Policy E2: Flood Resilient Design Policy E3: Green Infrastructure and Biodiversity Policy DH1: Sense of Place Policy DH2: Public Realm Policy DH3: Historic Environment Policy TA4: Parking Standards Policy HE1: Housing Type and Density

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

#### **Consultations**

**Southwell Town Council** – Southwell Town Council considered application 17/00675/FUL Denholme Cottage Halam Road and agreed unanimously to object to the application for the following reasons.

This is a backland development within a conservation area and close to the centre to the town.

The proposed property would overshadow the adjoining properties due to its position on the plot and also its height. It would also have a detrimental effect in terms of visual impact, privacy and loss of light.

Concerned about the comments from Highways. Agree that the vision splays are insufficient.

There is also a concern with the proximity to the school.

## Southwell Civic Society – No objection to the proposal

**NSDC Conservation Officer** – Many thanks for consulting Conservation on the above application.

We have provided extensive pre-application advice on this proposal (ref PREAPP/00106/16). The submitted scheme is consistent with that advice.

#### Heritage assets affected

The proposal site is located within Southwell Conservation Area (CA). 1 and 2 Halam Road are both Grade II listed. Other buildings nearby contribute positively to the CA.

#### <u>Main issue(s)</u>

The main issues in this case are:

- *I.* What impact the proposal will have on the character and appearance of the Southwell Conservation Area;
- *II.* Whether the proposal would preserve the setting of nearby listed buildings; and
- *III.* Appropriate consideration of potential archaeological interest.

#### Legal and policy framework

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Section 66 of the Act requires the LPA to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development affecting the setting of designated heritage assets are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

## Significance of heritage asset(s) affected

Southwell Conservation Area (CA) was first designated in 1968 and extended in 1970 and 1993. The Council produced an Appraisal of the CA in 2005 following a further review and amended boundary.

The CA boundary has been drawn to include the Minster Church, the historic commercial centre of King Street and Queen Street, the Burgage and the former hamlets of Easthorpe and Westhorpe. Key features of the conservation area are the presence of the Minster church, its well-preserved historic layout, the high proportion of listed buildings and unlisted buildings of quality, its strong character areas and its attractive landscape setting.

The proposal site is situated behind a group of historic buildings enclosing the junction between Halam Road and Kirklington Road.

1 Halam Road was listed in 1973. It comprises a Georgian house and attached boundary wall (dating from the late-18<sup>th</sup> century). 2 Halam Road was also listed in 1973, and is a cottage with an attached boundary wall. Earlier than no 1, the cottage is mid-18<sup>th</sup> century, having been refenestrated in the mid-19<sup>th</sup> century. The cottage is dressed stone rather than red brick, with a rendered brick addition and pantile roof.

4-6 Halam Road and Denholme Cottage are Local Interest buildings due to their age and architectural interest.

The proposal site is identified in the Historic England EUS as being of potential archaeological interest.

#### Assessment of proposal

The proposal seeks approval for a new dwelling at the rear of Denholme Cottage. The cottage is modestly scaled and reflects local vernacular form and appearance. The layout presents itself as a cottage mews with the new house comprising suitably narrow gables, with traditional chimneys, corbelling and simple fenestration. The rear cat slide roof is appropriate, and the eaves dormers have reference points within the wider CA.

The modern concrete roadside wall will be replaced with a brick wall to match the adjacent property. This is potentially an enhancement to the street scene.

On balance, the proposed development is acceptable and will preserve the character and appearance of the Southwell CA. It will cause no harm to nearby listed buildings. The development therefore accords with the objective of preservation required under sections 66 and 72 of the Act. The proposal also complies with heritage policies contained within the Council's LDF DPDs and section 12 of the NPPF.

*If approved, and in conjunction with other relevant model conditions, the following matters should be addressed:* 

- All facing materials to be agreed;
- Pantiles to be natural red of a non-interlocking variety, sample of which is to be submitted and agreed;
- All external joinery, including windows and doors, to be timber (to be retained), the design, specification, opening method and external finish to all be agreed in the form of scaled drawings, sections and product literature;
- Further details of the chimneys (to be retained), dormer construction, rainwater goods, eaves, verges, headers, sills and any external accretions (soil/vent pipes, meter boxes etc);
- Further details of the replacement boundary wall and other boundary treatments to be submitted and agreed;
- Sample panel of the brickwork to be shown on site. Panel of no less than 1 metre square showing brick, bond, mortar and pointing finish; and
- *PD to be suitably restricted, including alterations to any prominent roof.*

**NSDC Access and Equalities Officer** – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**NCC Highways Authority –** *Comments received 22<sup>nd</sup> May 2017* 

*Further to comments dated 2 May 2017 further discussions with the Applicant's Agent have been held and additional site investigations carried out.* 

It would appear that the holly hedge belonging to the neighbouring property (Zennor) has overgrown beyond the highway boundary demarcated by an iron fence that is largely hidden by the hedge. If this was cut back then it would appear that the desired visibility splays may be achieved.

On the basis that this splay is achieved in practice, then my objection can be lifted, subject to the following conditions:

• No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with approved plan reference 1610(P)02.

*Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).* 

• No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

• No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 1610(P)01 are provided. The area within the visibility splays referred

to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25 metres in height.

Reason: In the interests of Highway safety.

Note to Applicant:

The development makes it necessary to construct/alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 01159772275 to arrange for these works to be carried out.

**Previous comments received 2<sup>nd</sup> May 2017** for completeness:

As pointed out in the design and access statement, during pre-application discussions an access arrangement was agreed in principle which offers visibility splays of 2.4m x 47m. I am now aware however that this splay appears to have been incorrectly drawn on the submitted drawings and site measurements suggest that such splays are unlikely to be achieved in practice (in particular to the west/right for emerging cars).

Unless it can be demonstrated that this splay can be achieved to my satisfaction, then I would recommend refusal on the grounds of highway safety.

Should, however, the LPA seek to approve this application, I would be grateful for the opportunity to offer suitable highway-related conditions.

**Trent Valley Internal Drainage Board** – No objection to the proposal providing surface water runoff rates to receiving watercourses is not increased as part of the development.

# Three letters of representation have been received from local residents, raising the following comments:

- The proposal would be a contravention of local planning policies the height and massing of the proposed dwelling on higher ground would have an unacceptable adverse impact upon neighbouring properties;
- Windows on the northern elevation of the proposed dwelling will sit directly opposite the windows serving the principal rooms of 7 Kirklington Road. Other Officer reports suggest that the distance between windows needs to be c.20m or more to be considered acceptable;
- Overlooking upon other neighbouring properties;
- Dwelling would result in a significant change to the established character and appearance of the area;
- Issues with drainage as the land at Denholme Cottage sits higher than development to the north;
- Vehicles entering/leaving the site would have very limited visibility along Halam Road which will be very dangerous during school drop off/pick up times;
- Impact upon/removal of trees in the future.

### Comments of the Business Manager

## **Principle of Development**

The site is located within Southwell which is defined as a Service Centre with a good range local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within service centres to help provide service provision for a large local population and a rural hinterland.

For the avoidance of doubt the Council's most up to date position (as of April 2017) is that it is confident that it has a 5 year housing land supply against an independent Objectively Assessed Need and that this is robust and defensible. Whilst this cannot yet attract full weight, given the advancing stage of the Plan Review and that the OAN is the only professionally produced OAN undertaken in line with our duty to cooperate with two other Councils, that this should carry considerable weight.

The application relates to a dwelling within the defined built up area of Southwell and as such the principle of development is considered to be acceptable as a sustainable location. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

Additionally, the site lies within the Conservation Area for Southwell. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area. Furthermore, the Southwell Neighbourhood Plan (SNP) seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties, highway safety and housing need/mix will all need to be taken into consideration and are discussed below.

## Impact on the Character of the Area (including Heritage)

The proposal site is located within the Conservation Area for Southwell and Denholme Cottage is identified as a building of local interest. The site is located within a cluster of historic buildings with the proposed plot set back from the public highway and therefore not readily visible from the public realm.

As Members will note from the Consultations section of this report, there has been extensive preapplication advice offered in order to come up with an acceptable scheme. The Council's Conservation Officer is of the view that the design of the proposed dwelling respects the character and appearance of the host dwelling and the wider Conservation Area; the overall scale sits subservient to the host building with appropriate detailing which I am minded to concur with.

The proposal is modestly scaled and located within an area where, in my view, backland development can be considered acceptable. I am mindful that part of the Town Council's objection was based upon the issue regarding backland development, however it is my view that the

location of the site and layout of the dwellings along Kirklington Road and Halam Road lends itself to a dwelling in the location proposed without being detrimental to the character of the area. I have identified no harm to siting a dwelling on the plot in terms of character, appearance or grain.

In terms of scale, the footprint of the building is proportionate to others within the vicinity, with a similar, if not lower, ridge height than those nearby. I note the comments received during the consultation period which highlight the change in levels within the site which would result in the building sitting higher than surrounding development. However, the submitted proposed elevations show the dwelling within the context of neighbouring buildings whereby the new dwelling is of a similar or lower height than adjacent buildings, which I consider to be acceptable. I would however consider it appropriate to condition the existing and proposed levels of the site should Members be minded to approve the application so the LPA can retain control over the topography of the site.

Further to the above, the proposal is also not considered to have any harm upon the nearby listed buildings. As such, I am of the view that the proposal is acceptable in terms of design and impact upon the historic setting, however I would recommend to Members that the conditions recommended by the Conservation Officer are appended to the decision notice should they be minded to approve the application.

#### Impact on Residential Amenity

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The proposed dwelling is set within the existing garden associated with Denholme Cottage, although the closest neighbouring property is actually 7 Kirklington Road, situated approximately 6m from the side elevation of the proposed dwelling. I am mindful that this distance is reasonably close, however it would be the side elevations of each dwelling that would be in closest proximity and whilst I note there are windows at ground floor level on both elevations, it is not an unusual relationship alongside elevations. Representations have been made with regards to the impact upon the amenities of this neighbour during the consultation period, and whilst I consider there will be some impact, including a reduction in privacy, I do not consider that the issue cannot be mitigated through condition and future controlled by the LPA; in this regard, I would recommend to Members that further details on boundary treatments are sought through a condition and permitted development rights for further windows on this northern elevation are removed.

In terms of the other nearby properties, I am of the view that the proposal is a sufficient distance away so as to have no impact by virtue of overlooking, overshadowing and overbearing impacts. I am mindful that a new dwelling does have the potential to result in increased noise disturbance, however I do not consider that one additional dwelling is likely to significantly increase noise in the area, and in any event will be in the same residential use as the surrounding properties, therefore will not be introducing noise from a different use (such as industrial uses).

I note the driveway serving the proposed property would lie between Denholme Cottage and Zennor which has the potential to disturb these existing properties due to new/increased vehicular movements. However, I do not consider that one new dwelling is likely to result in unacceptable vehicular movements such that there would be a detrimental impact upon this neighbouring property. In addition to neighbour amenity, I must also have regard for the proposed private amenity spaces for the proposed dwelling and Denholme Cottage. The proposed garden areas for the two dwellings are fairly generous and I am of the view that the level of amenity space, subject to appropriate boundary treatments (which I would recommend are conditions such Members be minded to approve the application) is acceptable.

On the basis of the above, I am satisfied that the proposal is unlikely to have a detrimental impact upon the amenities of surrounding land uses.

## Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note the comments received in respect of highway safety along Halam Road, particularly during school drop off and pick up times but I am also mindful that the site already benefits from an existing access and that the proposal seeks to ensure that there is sufficient off-street parking for both Denholme Cottage and the proposed dwelling.

Members will note that the Highways Authority originally objected to the proposal but have since revisited the application and have resolved to support the proposal, subject to conditions. The reason for the change in their professional view is due to a hedgerow outside the neighbouring property Zennor. This holly hedgerow overhangs the public highway and needs to be cut back. They state that once this hedgerow is cut back then the required visibility splays would be achieved. Given that the hedge is not within the control of the applicant (but rather a neighbouring property) careful regard has been given to whether this would allow for the visibility splay to be achieved, particularly as the hedgerow overhangs the public highway and whether the applicant can reasonably be expected to undertake these works. In respect of this the Highways Authority have stated:

"I believe the hedge has overgrown from the private neighbouring land into the highway, beyond the metal fence boundary line, and therefore it is reasonable for it to be cut back, either with mutual consent or without it. If necessary, under Section 154 of the Highways Act 1980 the Highway Authority can issue notice on the owner to cut back the hedge, and if this is not done, the Authority can do the work and recover their costs. "

On this basis I am satisfied that the visibility splay can be achieved and that the visibility condition is reasonable and enforceable meeting the tests of the NPPF and CIL Regulations.

On the basis of the above, I am satisfied that the proposed scheme would not result in highway issues sufficient to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

#### Housing Need/Mix

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with the identified housing need. This drive to secure smaller units is a material

consideration and must remain so given that this policy is the one of only two of its type in our district whereby it was felt necessary to intervene in the market to secure smaller dwellings.

The proposed cottage would have two bedrooms at first floor level (with kitchen/diner, living room, study and cloakroom at ground floor) and is relatively modest in scale. The size of the house comparative to the number of bedrooms is in my view reasonable and I am satisfied that the proposal therefore accords with the aspirations of So/HN/1,

## **Conclusion and Planning Balance**

The proposal seeks consent for the erection of a detached 1.5 storey dwelling within the main built up area of Southwell and is also situated within the town's designated Conservation Area.

The site is served by an existing access from Halam Road which the Highways Authority are satisfied with, subject to conditions.

With regards to the design of the dwelling, it is considered that the simple, traditional detailing is acceptable and will not have an adverse impact upon the character of the Conservation Area; additionally, the dwelling will be set back from the public highway and therefore will not be overly prominent within the public realm. It is acknowledged that there would potentially be an improvement to the CA through the replacement of a modern concrete wall with a brick wall to match the adjacent property which could be secured through condition.

The site is located within the main built up area of the town and as such is bounded by 4 residential properties, none of which are considered likely to be detrimentally impacted by the development. Furthermore, it is considered that the proposed dwelling will have sufficient private amenity space, whilst leaving the host dwelling with an ample-sized rear garden.

The proposal, being for a two bedroom dwelling, accords with the requirement of So/HN/1 to provide the majority of housing on windfall sites such as this as smaller dwellings.

It is therefore concluded overall that the proposal is acceptable in terms of local and national planning policy and is recommended for approval to Members.

#### RECOMMENDATION

That full planning permission is approved subject to the following conditions;

#### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference,

- Site Location Plan 1610(P)00
- Proposed Site Plan 1610(P)01
- Site Layout 1610(P)02
- Ground, First & Roof Plan 1610(P)03
- Elevations South & West 1610(P)04
- Elevations North & East 1610(P)05

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

03

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04

No development shall be commenced until precise details of the external materials (bricks and/or facing materials) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

05

The roof materials shall be natural red pantiles of a non-interlocking variety, a sample of which shall be submitted to and agree in writing by the local planning authority prior to the commencement of development. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the impact upon the character and appearance of the conservation area in accordance with Policies DM5 and DM9 of the Allocations and Development Management DPD and Core Policies 9 and 14 of the Core Strategy.

All external joinery including windows and doors shall be of a timber construction only. Prior to the commencement of development, details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

# 07

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the impact upon the character and appearance of the conservation area in accordance with Policies DM5 and DM9 of the Allocations and Development Management DPD and Core Policies 9 and 14 of the Core Strategy.

08

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Treatment of window and door heads and cills
- Verges and eaves
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In the interests of visual amenity and the impact upon the character and appearance of the conservation area in accordance with Policies DM5 and DM9 of the Allocations and Development Management DPD and Core Policies 9 and 14 of the Core Strategy.

09

Prior to the commencement of development, further details in the form of scaled plans and sections shall be submitted in respect of the construction of the proposed chimneys and dormer windows, including details of the proposed materials. Development shall thereafter be undertaken

in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the impact upon the character and appearance of the conservation area in accordance with Policies DM5 and DM9 of the Allocations and Development Management DPD and Core Policies 9 and 14 of the Core Strategy.

## 010

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. These details will include the proposed replacement boundary wall as well as any new boundary treatments. The approved scheme shall be implemented prior to the occupation of the dwelling hereby approved and shall then be retained in full for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

## 011

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual amenity and biodiversity.

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be carried out prior to first occupation of the dwelling hereby approved.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

# 013

No development shall be commenced until the trees shown to be retained on drawing number 1610(P)02 have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

## 014

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Development within the curtilage of a dwellinghouse.

- Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.
- Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc of solar equipment on domestic premises.
- Class B: Installation or alteration etc of standalone solar on domestic premises.
- Class C: Installation or alteration etc of ground source heat pumps on domestic premises.
- Class D: Installation or alteration etc of water source heat pump on domestic premises.
- Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc of wind turbine on domestic premises
- Class I: Installation or alteration etc of stand-alone wind turbine on domestic premises

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: In the interests of visual amenity and in order to preserve the setting of the nearby heritage assets.

#### 015

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed at first floor level on the northern elevation of the development 1 hereby permitted.

Reason: To safeguard against overlooking and loss of privacy in the interests of protecting the amenity of occupiers of neighbouring properties in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

#### 016

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with approved plan reference 1610(P)02.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

018

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 1610(P)01 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25 metres in height.

Reason: In the interests of Highway safety.

# Notes to Applicant

01

The development makes it necessary to construct/alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 01159772275 to arrange for these works to be carried out.

# 02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

# BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on ext 5833.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive Committee Plan - 17/00675/FUL



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| Application No: | 17/00042/FUL  |  |
|-----------------|---|--|
| Proposal:       | Demolition of garage court and the development of 2 No. 2 bed bungalows   |  |
| Location:       | Garage Courts Adjacent, 27 - 29 Almond Grove, Farndon,<br>Nottinghamshire |  |
| Applicant:      | Newark and Sherwood Homes   |  |
| Registered:     | 12.01.2017 Target Date: 09.03.2017  |  |

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

### <u>Update</u>

This application was deferred from the Planning Committee on 9<sup>th</sup> May 2017 to allow the exploration of opportunities to provide off-street parking elsewhere. Since then the case officer, NCC Highways Officer, NASH and the Local Members have undertaken a walk round and an update will be provided at the June Committee meeting.

#### <u>The Site</u>

The site is situated within the built up area of Farndon defined as an 'other village' in the Settlement Hierarchy under Spatial Policy 1 of the Core Strategy. The site comprises a level site currently occupied by 2 rows of garage units. The access road measures some 15m in length with no passing point and sits between side boundaries serving adjacent an end terrace two storey dwelling at nos.27 and a semi-detached bungalow at no.29 Almond Grove. These adjacent dwellings are reflective of the wider character of the area which comprises a mix of two-storey and single storey brick dwellings with occasional application of render at ground floor level and brown roof tiles. The rear gardens of dwellings on Oak Avenue, Westfield Way and Jackson Court make up the site boundaries.

#### **Relevant Planning History**

No relevant planning history.

#### The Proposal

The proposal originally included two 2 storey dwellings. It was considered that this gave rise to

amenity issues which could not be mitigated. Following discussions with NASH the proposal has been amended and revised drawings have been submitted. A 7 day consultation period was instigated to seek the views of interested parties. The proposal now seeks planning permission for the erection of a pair of semi-detached 2 bedroom bungalows with a pitched roof design. The proposed dwellings would be located centrally within the site facing north west. Both dwellings would have a rear and side private garden and space for two parked cars each.

The approx. measurements of the dwellings would be:

8.5m deep8.05m wide2.48m to the eaves5.86m to the ridge

## Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter and a site notice was posted adjacent to the site on the 14<sup>th</sup> February 2017.

# Planning Policy Framework

# The Development Plan

# Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy

- Spatial Policy 2 Spatial distribution of growth
- Spatial Policy 3 Rural Areas
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type and Density
- Core Policy 9 Sustainable design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure

## Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy

- DM3 Developer Contributions
- DM5 Design

DM7 - Biodiversity and Green Infrastructure

DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

## **Consultations**

**Farndon Parish Council** – No comment have been received regarding the revised scheme at the time of writing this report.

*5/02/2107* "16/02168/FUL - Garage Units Adjacent 15-17 Almond Grove, Farndon - Demolition of garages and erection of 1 No. 2 bed bungalow 16/02174/FUL - Garage Court Adjacent 4-8 The Willows, Farndon - Erection of two dwellings 17/00042/FUL - Garage Courts Adjacent 27 - 29 Almond Grove, Farndon- Demolition of garage court and the development of 2 No. 2 bed dwellinghouse

Farndon Parish Council has considered the three applications before it for proposed development on garages located on Almond Grove and the Willows.

It considers that all three applications need to be considered as a whole and wishes to raise objection to all three as follows:

- to close the garages and remove from use will cause a huge impact on the surrounding narrow streets which already suffer from on-street parking on both sides of the carriageway. Closure of the garages will force more cars to park on the street and impact on highway safety by potentially restricting access by emergency vehicles and the local bus service. The village has already had one service removed from this route because of the inability to negotiate it due to parked vehicles narrowing the route.

- the proposed two storey properties put forward for 27-29 Almond Grove and The Willows, will impact on neighbouring properties by overlooking/loss of privacy and will impact on their visual amenity. If the developments are permitted, contrary to the views of the Parish Council, then the properties should be amended to bungalows to mitigate this impact."

**NCC Highways Authority** – 22/02/2017 "The application site is an existing garage site, and this proposal is for the construction of two dwellings, each with two parking spaces. The loss of offstreet parking resulting in potentially more on-street parking could have a detrimental effect on the local bus service. Any resulting loss of this service would be detrimental to the provision of sustainable transport in the area and, and if that were to be the case, then the aims of Spatial Policy 7 would be compromised. It is suggested that consultation be carried out with the service provider. Alternatively the applicant should consider making replacement off-street provision. Notwithstanding the above, I understand that the demolition of the garage facilities is not in itself a matter that can reasonably refused, despite its impact. No objections are to therefore raised."

**Trent Valley Internal Drainage Board** "The site is within the Trent Valley Internal Drainage Board District. There are no board maintained water courses in close proximity to the site. Surface water run-off rates to receiving watercourse must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the lead local Flood risk authority and local planning authority. "

# A number of written representations have been received in response to the revised scheme as below:

3 comments have been received raising concerns which can be summaries as follows:

- Concerned about the boundaries of surrounding properties as the rear of the garages forms the boundary and some adjacent gardens are on higher land.
- request the bungalows are turned around so there are no windows facing Westfield way or build a high boundary
# 1 objection has been received which can be summarised as follows:

- Objects to the increase in noise, dirt and dust caused by development and potential structural damage to surrounding properties wants to know how this will be mitigated and requires details of redress if damage does occur & if development impacts become intolerable.
- Objection based on the loss of parking caused by developing the site and seeks information regarding access during and after development and how will the developer limit the number of vehicles to the two off parking spaces that are being provided.
- Raises issue with the pavement adjacent to the site and the boundaries between the site and neighbouring properties asking for dropped kerb to adjacent properties and the addition of coping stones to weather proof existing boundary walls.

# A number of written representations were received in response to the original scheme which are summarised as follows:

- Bungalows would have less impact and boundary walls will be needed due to the garages forming boundaries now.
- The loss of the garages will impact an existing bad parking situation
- The land is part of a public right of way, is it legal to build on the land?
- Boundary wall should be brick as currently enjoyed
- Issues around drainage backing onto to individual properties
- The development will impact privacy and light of adjoining properties
- Concerns raised regarding the temporary boundary to the site during construction
- The loss of the garages will impact those that rent them

#### Comments of the Business Manager

# Principle of development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

#### 5 Year Housing Land Supply

The Council's 5 year housing land supply (5HLS) is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to July 2016 Planning Committee. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need (OAN) which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation), the Council is of the opinion that paragraph 14 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning

balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

The five criteria outlined by SP3 are location, scale, need, impact and character. Farndon is classed as an 'Other Village' where development will be considered against the sustainability criteria set out in Spatial Policy 3.

# Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the built up area of the village adjacent to existing residential development on Almond Grove to the west, Oak Avenue to the north and Westfield Way to the south.

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of SP3.

# Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. Two additional dwellings are considered small scale in numerical terms (even when considering the recent approvals for 3 other dwellings in the vicinity) and as such are unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that two additional dwellings are unlikely to materially affect the transport network in terms of increased traffic levels in volume particularly as two off street car parking spaces would be provided for each dwelling.

# Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single and two storey semidetached, and terrace dwellings. I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the development has been designed such that the proposed dwellings are set in the centre of the site. This position will render views of the proposed dwellings to be limited to passing views from Almond Grove. An adequate level of private amenity space is considered to have been be afforded to the proposed dwellings to both the sides and rear of the properties. It is therefore considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area.

Overall, the dwellings are considered to reflect the character of surrounding built form and due to the sites position set back from the main road and its single storey nature, is not thought likely to be a prominent addition to the street scene. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

# Need for Development

I have already rehearsed above that the Council cannot currently demonstrate a 5 year land supply (5YLS) against an independently approved OAN. That said, SP3 remains a material planning consideration to be assessed in an overall planning balance.

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Farndon. The need is not Farndon specific in that there is no local housing needs survey. The need covers a slightly wider geographical area, including Newark. That said, given the 5 YLS position considerable weight should be attached in an overall planning balance to the provision of affordable housing outweighing the lack of a specifically proven local need. Indeed, I note the 5YLS has been persuasive recently for a market unit in this SP3 village.

#### Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed properties will be single storey with a pitched roof design. Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security, boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area. The existing site is bound by the garages themselves on the front and rear boundaries and C2m walls to the side boundaries. Furthermore I note the comments received regarding boundary treatment whilst work is ongoing and no details have been received regarding

the potential interim boundary treatment arrangements following the removal of the garages and the private gardens that would be revealed by this activity. Again I consider that it would be reasonable to impose a condition requiring a construction methodology to include details of demolition and interim boundary treatment.

Based on the above and due to the proposed position of the bungalows within the plot, their single storey nature and the separation distances that would exist, I consider the adjacent dwellings located on Almond Grove, Oak Avenue, Jackson Way and Westfield Way which surround the site to be the most sensitive properties with regard to residential amenity impacts. Based on the aforementioned condition requiring boundary treatment and the approx. eaves height of 2.5m the pitched roof of the bungalows would be of most concern regarding amenity but due to the proposed bungalows being located centrally within the plot all neighbouring dwellings referred to would be approx. 5-7m from the proposed dwellings. Due to this spacing between adjoining properties and the single storey nature of the proposal I do not envisage any significant undue impacts with regard to the potential for overbearing or overshadowing. Furthermore no roof lights are proposed and the windows to the ground floor will not create any privacy issues due to the boundary treatment that would be controlled by condition.

The proposed dwellings have both been afforded private amenity space to the sides and rear of the proposed plot which I consider to be commensurate with the size of the 2 bedroom dwellings.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance and would provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

#### Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note the comments received in respect of the loss of existing off street parking currently provided by the garages and the on-street parking problems already experienced in the area. Parking on Almond Grove is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 24 garages. However, it must first be noted that the dwellings will provide for two off street parking spaces each, this is considered acceptable provision commensurate with the size of the dwellings proposed. Based on information provided by the applicant only 18 of the 24 garages are occupied and of those 18, 14 are used for the storage of vehicles. Whilst it is accepted that some of the garages to be removed may still be in use, the garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents on Almond Grove. In taking the above into account it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Further to the above I note that NCC Highways have not provided a further comment in relation to the revised layout. In comparing the original proposal and the new layout it is considered that the

parking arrangements, access and turning space are not so materially different to expect any change in the Highways Authority's view.

In considering the comments of the Highway Authority in relation to the proposed development I note that although concerns are raised regarding the impact that may occur with regard to the bus service in the area I note that no objections are raised. I can afford limited weight to the concerns of the highways authority as although some increase in street parking may occur, it is not for the planning authority to control what would be inconsiderate parking and creating a highways obstruction to other road users be it a bus or other vehicle.

Overall it is considered that the proposal accords with Policy SP7 and DM5.

### **Other Matters**

A number of matters have been raised regarding issues which I can afford little weight in determining this planning application due to the matters being less than significant material planning considerations. The issues raised refer to the dirt and noise caused during construction and potential damage to surrounding property and whether or not there will be any work completed to surrounding properties to make improvements e.g. requesting dropped kerbs to existing properties. With regard to the issues relating to noise and dust I would expect these matters to be dealt with under environmental health legislation if the issues do arise and constitute statutory nuisances. With regard to improving surrounding properties and any recourse with regard to damage I can only say that this the application is being assessed on its own merits and the development proposed is confirmed to the development site and issues regarding damage to property is not a matter to be addressed a part of this planning application; any damage would be a private legal matter to be addressed at the time by the land owners.

#### Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity. Although it is acknowledged that there may be some adverse impact on parking in the immediate surroundings due to the loss of the existing garages within the site, this is not considered sufficiently harmful to warrant refusal in its own right. The adverse impacts of the proposal in this regard must also be weighed against the benefits of the scheme in terms of the delivery of affordable housing units. It is therefore recommend that planning permission be granted subject to the conditions outlined below.

#### **RECOMMENDATION**

# That full planning permission is approved subject to the following conditions:

#### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

# 02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

- Site location Plan 40860-ID080-001B
- Proposed Site Layout (opt.2) 40860-ID080-004G
- Proposed Plans & elevations- 40860-ID080-006B

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

# 04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwellings hereby approved and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- hard surfacing materials; and
- an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

# 07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

- Class B additions etc to the roof of a dwellinghouse
- Class C other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Reason: In the interest of protecting the character and appearance of the area and neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

80

No development shall commence until a schedule of the demolition works to be carried out is submitted and agreed by the authority. This schedule shall include the details of temporary site enclosure following the demolition works which shall be retained until construction works have been completed and boundary treatments approved in accordance with condition 4 of this permission have been erected in accordance with the approved details.

Reason: In the interests of neighbouring amenity and site safety.

09

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

# Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1 December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at <u>www.newark-sherwooddc.gov.uk/cil/</u>

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which <u>must be made to the Council prior to the commencement</u> <u>of development</u> on CIL 4 form which is also available on the Councils website.

### 02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### Background Papers

Application case file.

For further information, please contact Sukh Chohan on ext 5828.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole Deputy Chief Executive





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| Application No: | 17/00644/FUL  |  |  |  |
|-----------------|---|--|--|--|
| Proposal:       | Householder application for erection of garage building, demolition of existing conservatory and replacement with new and all associated external works |  |  |  |
| Location:       | The Old Vicarage, Church Lane, South Scarle Nottinghamshire   |  |  |  |
| Applicant:      | Mr B Mason  |  |  |  |
| Registered:     | 04/04/17 Target Date: 30/05/17  |  |  |  |

This application is being referred to the Planning Committee for determination by the local ward members (Cllr Clarke & Dobson) due to the officer recommendation being contrary to that of the parish council.

#### <u>The Site</u>

The host property is a detached two storey red brick dwelling with associated outbuildings situated on the western edge of the village of South Scarle. The Old Vicarage is designated as a building of Local Interest and is set back some distance from the roadside with a lawned area situated to the front and a well treed driveway providing access from Church Lane. Access is also available via an approved driveway from Main Street to the east of the site which has been surfaced with crushed stone and a timber 5 bar gate installed.

The site has been the subject of a number of planning applications notably; the erection of a dwelling to the rear of the Old Vicarage (11/01818/FUL; refused 2012), an extension and conversion of the coach house to ancillary accommodation (14/01725/FUL & 15/00942/FUL approved 2014 & 2015), the re-instatement of a driveway to Main Street (15/01608/FUL approved 2015) and the construction of a garage and lean—to, to the rear of the dwelling (15/02125/FUL approved on appeal 2016). The proposed garage would be situated to the east of the dwelling within an area which forms part of the garden area of the Old Vicarage and on the same foot print of the currently extant scheme.

To the north of the development site are a collection of new build and converted dwellings which forms Beeches Court. Immediately to the north of the proposed garage site is an agricultural building associated with Beeches Farm. To the south are 2 red brick dwellings (1 & 2 Redmay) which were approved in the 1980's. The development site is also situated within the South Scarle Conservation Area.

#### Relevant Planning History

**15/02125/FUL** - Householder application for construction of a garage, lean-to building and all associated external works. Refused April 2016, appeal allowed September 2016. Members will

note that this permission has been started (and indeed was noted as retrospective) in the appeal decision.

**15/01608/FUL** - Householder application for driveway re-instatement to Main Street, including new gates and fence. Approved November 2015

**15/00942/FUL** - Alterations to existing coach house to form annex to dwelling including all associated external works. Approved July 2015

**15/00814/TWCA** - Undertake the following works: Large row of Conifers to be felled; Large Ash tree to felled; 1 No. Conifer to the rear to be felled due to the access issues; and 4 No. Bushes to be felled. Consent granted June 2015

**14/01725/FUL** - Householder application for alterations and extension of existing Coach House/garage with demolition of part, and including associated external works. Approved November 2014

**11/01818/FUL**- Erection of a new dwelling. Refused March 2012

# The Proposal

The proposal seeks to make minor alterations to the previously approved and implemented garage building, notably;

- The increase in the depth of the structure by 0.1m
- The increase in the ridge height of the main structure by 0.1m
- The increase in the ridge height of the trailer store by 0.15m
- The insertion in the northern roof slope of 5 x conservation style roof lights and
- The addition of a pair of timber doors to the front of the trailer store

In addition, it is proposed to demolish the exiting glazed lean to conservatory situated on the front of the Old Vicarage and replace it with a more solid structure of the same foot print but with a lantern roof.

It is proposed that the garage be constructed of the same materials as previously approved by the inspector notably red facing brickwork, timber boarding and grey slates. The glazed conservatory would be constructed from a brick to match the dwelling.

# Departure/Public Advertisement Procedure

Occupiers of seventeen properties have been individually notified by letter.

Site notice posted 05/04/17

Advertised in the Press on 13/04/17

# Earliest Decision Date 04/05/2017

# Planning Policy Framework

## The Development Plan

# Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9 – Sustainable Design

Core Policy 14- Historic environment

### Allocations & Development Management DPD

DM5 – Design DM6 – Householder Development DM9- Protecting and enhancing the historic environment DM12 – Presumption in Favour of Sustainable Development

# **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

# NSDC Conservation Officer - No objection

Many thanks for consulting Conservation on the above proposal. The submitted scheme is a modest variation to approval 15/02125/FUL.

The Old Vicarage is a 19<sup>th</sup> century building associated with the significant Grade I landmark Church of St Helen. Its architectural interest and historic association with the church ensures that the Old Vicarage is a positive building within the South Scarle Conservation Area (CA). A post-medieval timber framed building to the north of the church, also known as the Old Vicarage, is Grade II listed. This building was once the parsonage, and dates to the 17<sup>th</sup> century. The group formed by the Old Vicarage, parsonage and Church of St Helen is a significant element at the heart of the CA.

#### Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In addition, section 66 of the Act requires the LPA to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new

development in CAs, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

# Assessment of proposal

The proposed changes to the garage approved via 15/02125/FUL are modest. The increase in height to the ridge appears to be 100mm. Such a minor alteration is unlikely to have any discernible impact on the overall appearance of the structure, and therefore will cause no harm to the CA or setting of nearby listed buildings. As set out in our advice regarding the original scheme (ref 15/02125/FUL), the scale, form and appearance of the garage was not felt to be unduly prominent, and such a minor alteration is unlikely to change that perceived impact. The addition of matching garage doors in the left hand bay is also acceptable, and does not fundamentally alter the garage workshop character of the proposal.

However, the addition of domestic rooflights, albeit of a conservation variety, is slightly at odds with the workshop character of the garage, and I consider that reducing the number of roof lights would be an improvement. A pair of tripartite equally spaced or a single arrangement of coupled rooflights centrally on the main garage structure would better convey the workshop character than the domestic rooflights, and would be acceptable as an alternate approach (see examples attached).

The proposed replacement conservatory is similar in scale, following the same foot print, but with a lantern light rather than lean-to configuration. Conservation has no objection to this and finds that it will have a very limited impact on the character and appearance of the CA.

Notwithstanding the above comments regarding the rooflights, Conservation finds the development to be acceptable and compliant with heritage policies and objectives contained within the Council's LDF DPDs and section 12 of the NPPF. As the proposal is not considered to harm the CA or setting of listed buildings, the proposal accords with the objective of preservation required under sections 66 and 72 of the Act.

# South Scarle Parish Council – Object.

General opinion was the garage was more of an industrial scale than a family garage and placed too close to adjacent properties.

# NCC Highways Authority - No objection subject to condition

This application has been considered in terms of its potential impact on road safety, highway capacity and sustainability. It is noted that the existing dropped kerb vehicular access on to Main Street, does not extend as far as indicated on drawing 14.BM.09D and therefore, to avoid potential overrunning of the verge, widening of the crossing is necessary.

12 letters of representation have been received from 6 neighbouring properties raising the following objections:

- The proposal should be treated as a new application
- Cannot understand why the applicant would consider increases in dimension for the garage and inclusion of rooflights given a decision has already been made on an acceptable scale
- The fourth trailer store bay has now been incorporated into the main structure. As such the main building has increased in all directions and constitutes a significant increase and material change in the buildings footprint
- The garage has previously been ruled to not have windows in the roof. I ask why these are now being considered as part of a bigger building. Would suggest that if windows are required they are inserted in the western wall. The decision for the Coach House detailed that no dormer windows shall be constructed. Can I request that the same be attached to this application should consent be granted
- The siting of the garage totally obscures natural light to neighbouring dining area window and would have detrietnal impact on living room light
- The proposed rooflights would result in extensive loss of privacy to neighbouring properties

- Concern is raised regarding the cramped and overbearing effect the garage would have on 2 Redmay Corner resulting in overshadowing
- The increases in scale result in the appearance of a building more akin with a two storey house than a residential garage
- The garage due to its size and structure in addition to the approved driveway would lead to an urbanizing effect on the surrounding area and would lead to an over intensive form of development
- The development is considered to be contrary to policies DM5, DM9 and Core Policy 14
- There is no attempt to maintain the rhythm of the spacing & setting of a Conservation Area
- An application for a new dwelling of a similar size, scale and footprint to the garage was dismissed at appeal in 2013
- It is considered necessary to view the site as a whole with all previous applications been taken into consideration. The site could be seen as a potentially longer term development process to segregate the Old Vicarage into multiple residential areas with separate accesses
- Concern regarding the impact the garage would have on the overall plan area of the CA and not just on the Old Vicarage in addition to the harm caused by the existing timber & red mesh netting fencing on the CA
- The proposed garage would dominate the small green site
- There remain better sites for the proposed garage to the west of the main dwelling
- Concern raised that the condition required by county highways in relation to the access construction has not been complied with
- Not heard for consent being granted based on the size of an applicant's vehicles. This is supposed to be a domestic garage and not for a business. The vehicles detailed in the submission are not domestic vehicles and could result in more commercial vehicles using the site
- As the proposal would be the only garaging for the Old Vicarage would expect that if consent is granted the same conditions previously applied be attached in relation to can't be converted to a separate dwelling
- Prior to the applicant receiving approval he dug foundations and poured concrete despite being told not to by enforcement officer's
- The footings are close to the side elevation of the neighbouring property and will surely compromise it by enlarging
- I have no objections to the proposed conservatory but it has been lumped with the garage

#### alterations

## Comments of the Business Manager

Whilst this application falls within the definition of a 'householder application' (meaning that it is a proposal within a residential garden for purposes incidental to that house, i.e. an outbuilding) it has generated considerable local concern. As Members will be aware simply the volume of objection to a scheme is not, in itself, a material consideration to which significant weight can be attached. Rather, one is required to focus on the material planning issues which are raised and to balance whether such material planning considerations should lead to an overall decision to approve (with conditions) or refuse consent.

### Principle of Development

For the avoidance of doubt the principle of the construction of a four bay garage to the east of the Old Vicarage has been established by the inspectors appeal decision in September 2016. Given that development has commenced this scheme remains extant. I note, as I refer to below, that this appeal was allowed without any planning conditions attached restricting future conversion to residential (on the basis that the appeal Inspector stated that a separate planning consent would be required) or removing the ability to insert window openings (the appeal Inspector explicitly considering this but deeming such a condition unreasonable).

As Members will be aware the presence of an extant planning permission is capable of representing a 'fall-back' position, which is a material planning consideration to which weight should be attached when coming to an overall balanced judgement on the acceptability of a planning application. I refer throughout to this extant consent. In terms of the principle of development this, despite clear local views both now and at the time of its original consideration, has been established. Any conclusion to the contrary would be both unacceptable and leave the Authority open to an award of costs at an appeal (the appellant previously applied for costs against the Council) on the grounds of unreasonable behavior. Members are advised to focus, in determining acceptability of this scheme on the differences (as set out within the above description of development section) between the approved extant scheme and the scheme before members this evening. Indeed, Policy DM6 of the Allocations and Development Management DPD accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

# Impact on Character and Appearance of the Conservation Area

There are essentially two matters at the heart of the issue of identifying any Conservation harm in this instance (by which I mean any harm over and above the extant scheme). The comments from the Conservation Officer are noted and helpful in this regard.

Firstly, there is the issue of scale, character, and siting. As detailed above the proposed increase in the scale of the garage both height and depths are modest. Form a distance or street level such changes are arguably imperceptible. On these elements it is not considered that these minor

revisions would result in any greater harm to the character and appearance of the South Scarle Conservation Area than that deemed to be acceptable by the inspector in his decision in 2016.

In relation to the proposed roof lights in the front roof slope of the building; concern has been raised by the conservation officer that the proposed openings would be at odds with the workshop character of the garage, appearing somewhat domesticated. Whilst domestication is a cause for concern this must be balanced against whether such domestication is so harmful as to justify a refusal of a scheme. Indeed, the proposed building must, by its very nature, be used for domestic purposes (i.e. incidental to the enjoyment of the dwelling house).

In the spirt of securing the most sensitive scheme possible discussions have been entered into with the applicant to seek revisions to the openings, notably to reduce the number or look to change the style to a pair of coupled tripartite windows. The applicant has stated that the current proposal would allow optimum natural light into the building and as such is unwilling to reduce the number or style of openings proposed. Whilst the proposed openings as detailed above could appear at odds with the workshop appearance of the proposed structure, given the set back of the building from the roadside; approximately 35m in addition to its orientation; gable end orientated towards the road, the Conservation Officer and I concur that it would be difficult to maintain a refusal on this ground alone. That is certainly true if one considers this issue in the context of the fall-back position provided by the extant approval.

I have referred above to the fact that the previous Inspector failed to apply a condition in allowing the appeal removing permitted development rights for the insertion of new window openings. Whilst on the face of it that could be an oversight the issue in this case is that the Inspector explicitly considered the issue of removing permitted development for windows, concluding that it would not be necessary. The only reference to other changes to the roof was with respect to dormer windows, which the Inspector concluded would need planning permission in any event.

In fall-back terms the applicant could look to continuing to construct the appeal garage and whilst constructing allow for provision within the roof slope (space between the rafters) for window openings to be inserted at any later day (even the day after substantial completion<sup>1</sup>). The number of rooflights or which roof slope they were placed is not limited. Additionally, this would not require planning permission under Part 2 Class C of the General Permitted Development Order (providing they do not protrude more than 0.15m beyond the plane of the roof and are not higher than the highest part of the roof).

<sup>&</sup>lt;sup>1</sup> What is substantially complete must always be decided as a matter of fact and degree. It is not therefore possible to define precisely what is meant by the term "substantially completed". Arguably, in the case of a house, it is not substantially complete until all the external walls, rooftiling, woodwork, guttering and glazing are finished; but it might be regarded as substantially complete if only some internal plastering or decorating, or external decorating work, remains to be done, particularly if use of the building for its intended purpose has started. All the relevant circumstances must be considered in every case.

With this in mind, it is considered that there are no grounds to refuse the scheme for the introduction of roof lights. If Members are of the opinion that the rooflights are unacceptable for the planning and conservation reasons set out it would be open for you to consider a planning condition to delete them from the scheme. The applicant would still be entitled to appeal such a condition and given the context of the fall-back I have described above I consider an appeal Inspector is likely to allow any such appeal.

The existing lean to glazed conservatory is proposed to be replaced with a more substantial structure albeit occupying the same footprint. Its replacement is considered to be acceptable and would not detrimentally impact upon the character and appearance of the conservation area.

For the reasons cited above the proposed development is considered acceptable and would accord with Core Policy 14 and DM9 of the core strategy and DPD respectively.

### Impact upon Amenity

In terms of impact on neighbouring amenity, detailed consideration was given as part of the previous consent for the garage by officers particularly in relation to the amenity of the closest neighbouring property No. 2 Redmay situated to the south of the proposed garage. As part of the appeal decision the inspector made the following comments in relation to the perceived impact on amenity resulting from the proposed garage towards No. 2 Redmay;

Given the height of the building, it would be more imposing than the existing fence. However, it would not be overbearing for the adjacent residents when using their driveway or when within the main front room of the house. The new building would have a greater impact on the dining area of 2 Redmay Corner as this is located close to the side boundary. The room has its main aspect to the rear and this would not be altered. The forward facing window is at a high level and although it provides a limited outlook, its main function is to increase light to the room. The outlook from that window would be altered when in certain parts of the room but not to the extent that living conditions would be unacceptably harmed. Similarly, light levels would not be altered to the extent that unacceptable harm would result. Overall, I do not find conflict with the amenity requirements of DPD Policy DM5 or CS Spatial Policy 3.

Whilst the concerns raised by neighbouring residents in relation to the perceived harm resulting from the proposed increases in depth and height of the garage are noted, it is not considered that such modest increases (10cm in depth and overall height and 15cm in height of the trailer store) would result in any significantly greater degree of loss of amenity to that considered to be acceptable by the inspector within his decision in 2016.

The introduction of 5 roof lights within the northern roof slope of the garage is noted. The roof lights would be positioned approximately 4m above ground level and orientated towards an agricultural building which forms part of Beeches Farm and partially towards the rear amenity area of 1 Beeches Court. Given the positioning in the roof slope of the windows and that no first floor is proposed within the building (Members will note that I recommend a restrictive condition to prevent the insertion of a first floor) it is not considered that the proposed roof lights would result in any potential overlooking.

The alterations to the conservatory on the southern elevation of the Old Vicarage are not considered to result in any loss of neighbouring amenity.

#### Impact on Highway Safety

The comments from NCC Highways Authority are noted. From undertaking a site visit it would appear that driveway has been partially implemented under 15/01608/FUL. However as per comments received from neighbouring properties it is noted that no hard bound material has yet been laid for the first 2m of the access nor the kerb dropped for the full extent of the access mouth. It is as such considered acceptable to re-attach these conditions to any future consent.

Subject to the above conditions it is not considered that the proposed development would result in any highway safety concerns and would accord with Spatial Policy 7 of the Core Strategy.

### Other Matters

The concerns reiterated during this application regarding the potential for the garage to be changed to a dwelling are again noted. The inspector previously considered the condition proposed by the Authority tying the garage to be as ancillary accommodation to the main dwelling but cited this condition as unnecessary given the requirement for a change of use to anything other than ancillary accommodation to be subject to its own application for future planning consent. Based on the appeal Inspectors decision it is difficult now to conclude it appropriate to re-introduce such a condition. That said, an informative could be attached to ensure the applicant is aware that consent is only being granted for the use of the building as ancillary to the use of the site as a residential premises.

Consideration has been had to the imposition of a condition removing the ability of the applicant to construct a first floor within the garage in order to better define the consent and to prevent any possible overlooking of the private amenity space of 1 Beeches Court to the north. As previously discussed within the above character section, the applicant has stated that the proposed roof lights are required to allow natural light into the garage building. Given the dimensions of the building and height of the garage door openings it is considered that any first floor would be of limited functionality given the steeply pitched roof and would forego the usefulness of the proposed roof lights in illuminating the garage. However, in the interests of better defining the consent and preventing potential loss of neighbouring amenity it is considered pertinent to remove permitted development rights for the construction of a first floor space within the garage building and ensure the garage is used for the purposes proposed as part of this application.

The comments received regarding the nature of the application are noted in addition to the garages location, however it is the applicant's choice to submit an application and whilst the Local Planning Authority can seek to make amendments to improve the scheme before them they cannot seek to question the reasons why the application has been submitted. This was also the conclusion of the previous appeal Inspector.

# **Recommendation**

#### Approve, subject to the following conditions

# **Conditions**

1. The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference

- Garage site plan, floor plan, elevations & section Drawing No. 14-BM-09D
- Proposed conservatory plan & elevation Drawing No. 14-BM-10

unless otherwise agreed in writing by the local planning authority through the approval of a nonmaterial amendment to the permission.

Reason: So as to define this permission.

3. No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Bricks

Slate (natural)

Timber boarding

Reason: In order to preserve or enhance the character and appearance of the conservation area.

4. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

5. No part of the development hereby permitted shall be brought into use until an extension to the existing dropped vehicular footway/verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

6. Notwithstanding the garage hereby approved, no first floor shall be constructed within said structure without first receiving consent from the Local Planning Authority by way of an application for planning permission.

Reason: So as to define this permission and in the interests of neighbouring amenity.

## **Informative**

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

The development makes it necessary to extend an existing vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 99 32609 to arrange for these works to be carried out.

04

The garage approved shall only be used for purposes ancillary to the use of the site known as the Old Vicarage as a residential premises. Any use not deemed as ancillary to this use would require the submission of a further application for change of use.

# BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on ext 5841.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive



Committee Plan - 17/00644/FUL

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#### PLANNING COMMITTEE - 6 JUNE 2017

| Application No: | 17/00749/ADV  |  |  |  |  |
|-----------------|---|--|--|--|--|
| Proposal:       | Display of logo and lettering on main facade              |  |  |  |  |
| Location:       | Castle House, Great North Road, Newark, NG14 1BY          |  |  |  |  |
| Applicant:      | Newark and Sherwood District Council (Mr. Matthew Varley) |  |  |  |  |
| Registered:     | 24 April 2017 Target Date: 19 June 2017                   |  |  |  |  |

# This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the site is owned and is being developed by the District Council.

#### <u>The Site</u>

The application relates to a 1.3 ha site located within the Newark Urban Area which is currently being developed for the new District Council Offices. The new building is erect and is now almost wind and watertight. Constructed in a buff brick to reflect the materials palate of the nearby listed railway station and with expanses of glazing and coloured front panels (in green and blue) the development is a contemporary three storey building.

The site is bound to the south west by Great North Road (B6326), the Cattle Market and lorry park to the north and Newark Castle Railway Station and railway line to the south east.

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south of the site. Within the CA are a number of Listed Buildings which are visible from the application site including the Former Station Masters House and Railway Station building which are both Grade II Listed to the south of the site and a Grade II Listed culvert located to the north of the site.

#### Relevant Planning History

15/01469/FULM- Full planning permission for a 'Proposed new council office and civic accommodation on existing public car park' was approved as recommended by the Planning Committee in November 2015.

#### The Proposal

Advertisement consent is sought for the display of the Council's logo and lettering on the front elevation of the building. This would be externally illuminated.

The logo (comprising the combined Major Oak tree, castle, minster and river) would be green and blue in colour (2845mm in height) with black lettering 'Newark & Sherwood District Council' situated alongside it (2300m in height) which together span 7330mm. The building's name 'Castle House' is located underneath, also in black but smaller in size being c450mm by 4700mm across.

The lettering and logo are to be stainless steel individual letters with powder coating for the coloured elements. These would have a front to back depth of 50mm and they would be spaced 25mm giving a total projection from wall to front face of the lettering of 75mm. This would sit on the largely blank buff brick wall fronting south-west onto the Great North Road.

Following further clarification it has been established that the lettering and logo would be fitted with makrolon (clear acrylic) backtrays incorporating bright white LEDs for halo illumination. The light is emitted from the back of the lettering and the reflection on the wall through the 25mm gap around the lettering will create a halo effect. Luminance levels have not been confirmed.

#### Departure/Public Advertisement Procedure

Occupiers of 34 properties have been individually notified by letter. A site notice has also been displayed near to the site and a notice placed in the local press with an expiry date of 25<sup>th</sup> May 2017.

### Planning Policy Framework

### The Development Plan

### Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9 – Sustainable Design Core Policy 14 - Historic Environment

#### **Allocations & Development Management DPD**

Policy DM5 – Design Policy DM9 – Protecting and Enhancing the Historic Environment

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Shopfronts and Advertisement Design Guide Supplementary Planning Document (SPD) 2014

#### **Consultations**

**Newark Town Council** – "No Objection was raised to this application provided the District Council's Conservation Officer was in agreement with the proposals."

**NCC Highways Authority** – 'This application is for the display of lettering and logo to the front of the building. The lettering is to be externally illuminated.

There are no highway objections to this proposal subject to the following:

1. The means of illumination shall be screened and maintained so that the light source is not visible to drivers on the public highway. Details shall be submitted and approved in writing by the LPA prior to the erection of the sign.

**Reason:** To protect drivers from glare resulting from uncovered light sources near the public highway.

2. The maximum luminance of the signage shall not exceed 600 candela.

**NSDC Conservation** – No formal response received but confirmed verbally they have no objection.

# A representation has been received from one interested party which can be summarised as follows:

- Current Application form contains a number of errors (including current address of the Council, Section 6, Section 7, measurements within Section 11d, projections, whether or not its illuminated and how;
- Scale and size of the sign is unnecessary in this location;
- The signage does not need to be illuminated as the offices will be closed during the hours of darkness;
- Sign will adversely affect the amenity of the local area by virtue of its size, proposed illumination and its juxtaposition to the Newark Conservation Area and heritage assets.

### Comments of the Business Manager

In line with paragraph 67 of the NPPF, the main issues in determining this application for advertisement consent relate to amenity and public safety. These are discussed below.

# Impact upon the Character of the Area - (visual impact)

The site lies outside but adjacent to the Newark Conservation Area and close to a number of listed buildings.

CP9 requires development to achieve a high standard of design that complements the existing built environment and CP14 seeks the continued preservation and enhancement of the character, appearance and setting of district's heritage assets and historic environment. These are mirrored by Policies DM5 and DM9 of the Allocations and Development Management DPD.

The advert proposed is contemporary in style being individual letters of powder coated steel. I note the objection received from one interested party and have considered this but do not share the concerns raised. Whilst the size of these letters and symbols are large, given their positioning on a blank wall and they would be viewed in this context, I am satisfied that the scale and design of the signage is acceptable relative to the public realm with the signage suiting the style of the building. The signage would be halo illuminated albeit the luminance levels haven't been provided. Subject to controlling the luminance levels to an acceptable level, I consider that the halo effect will be attractive and when the signage is lit up, together with the foyer, it will create a main lighting focus in terms of night time image. Colleagues in Conservation also agree that there would be no adverse impact on heritage assets. Overall I consider that the lighting scheme is attractive, appropriate for the context of the building and will meet the requirements of policies CP9, CP14, DM5 and DM9 as well as the NPPF.

### Impact on Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. The Highway Authority have raised no objection to the proposed advertisements, subject to conditions relating to screening of the direct light and restricting levels of luminance to ensure no harmful glare. Subject to these conditions, it is considered that the signs will not be detrimental to highway safety for pedestrians or other highway users. The advertisements are therefore considered acceptable in terms of public safety.

### **RECOMMENDATION**

That advertisement consent is approved subject to the following conditions:

### Conditions

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisement hereby permitted shall not be carried out except in complete accordance with the approved plans references:

South Elevation for Signage Option 7, Drawing No. AL(2)97 Rev A Proposed Site Plan – Coloured, Drawing No. AL(9)110 Site Location Plan – Drawing No. AL(9)107

Reason: So as to define this consent.

03

The advertisement hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The means of illumination shall be screened and maintained in that manner so that the light source is not directly visible to drivers on the public highway. Details of the screening shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the sign and the advert shall thereafter be installed in accordance with the approved details.

Reason: To protect drivers from glare resulting from uncovered light sources near the public highway.

05

The maximum luminance of the signage shall not exceed 600 candela.

Reason: To ensure that the levels of illumination are appropriate for the context of the building the surrounding heritage assets and in respect of public safety.

06

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

No advertisement shall be sited or displayed so as to:

i. endanger persons using the highway.

ii. obscure, or hinder the ready interpretation of, any traffic sign; or

iii. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

09

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

010

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

# Notes to Applicant

01

This permission relates solely to advertisement consent and does not permit any building or other operations.

02

The application as submitted is acceptable. In granting consent without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant.

### **BACKGROUND PAPERS**

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website <u>www.newark-sherwooddc.gov.uk</u>.

Kirsty Cole Deputy Chief Executive Committee Plan - 17/00749/ADV



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#### PLANNING COMMITTEE – 6 JUNE 2017

#### AGENDA ITEM NO. 17(a)

#### APPEALS A

#### APPEALS LODGED (received between 23 April 2017 and 22 May 2017)

1.0 Members are advised that the appeals listed in the table below have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to the Planning Business Unit without delay.

| Appeal reference       | Application number | Address  | Proposal  | Procedure              |
|------------------------|--------------------|--|---|------------------------|
| APP/B3030/W/17/3169436 | 16/01575/OUTM      | Field Reference No 8993<br>Mansfield Road<br>Farnsfield<br>Nottinghamshire | Outline Planning Application for<br>up to 20 No. Dwellings              | Written Representation |
| APP/B3030/D/17/3172589 | 16/02092/FUL       | 2 Forest Side<br>Blyth Road<br>Ollerton<br>NG22 9DY                        | Householder application for the erection of a two storey rear extension | Fast Track Appeal      |

#### 2.0 **RECOMMENDATION** That the report be noted.

BACKGROUND PAPERS Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

#### Matt Lamb Business Manager Growth & Regeneration

# PLANNING COMMITTEE – 6 JUNE 2017

#### AGENDA ITEM NO. 17(b)

### APPENDIX B: APPEALS DETERMINED (between 23 April 2017 and 22 May 2017)

| App No.      | Address  | Proposal  | Decision | Decision date |
|--------------|--|---|----------|---------------|
| 16/01190/FUL | Land At Dumble Cottage<br>Water Lane<br>Oxton<br>Nottinghamshire<br>NG25 0SH                                 | Proposed 1no. one bedroom 'live-<br>work' (self-build) unit | DISMISS  | 24.04.2017    |
| 16/00923/FUL | Land Opposite Old Volunteer<br>Public House<br>61 Caythorpe Road<br>Caythorpe<br>Nottinghamshire<br>NG14 7EB | Replacement of existing sheds<br>with stables               | DISMISS  | 08.05.2017    |

#### RECOMMENDATION

That the report be noted.

#### BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

### Matt Lamb

**Business Manager Growth & Regeneration** 



# **Appeal Decision**

Site visit made on 22 September 2016

# by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

#### Decision date: 28 September 2016

#### Appeal Ref: APP/B3030/D/16/3153486 The Old Vicarage, Church Lane, South Scarle, Nottinghamshire NG23 7JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr B Mason against the decision of Newark and Sherwood District Council.
- The application Ref 15/02125/FUL, dated 23 November 2015, was refused by notice dated 8 April 2016.
- The development proposed is a garage, lean-to building and all associated external works.

# **Application for Costs**

1. An application for costs was made by Mr B Mason against Newark and Sherwood District Council and is the subject of a separate decision.

## Decision

- 2. The appeal is allowed and planning permission is granted for a garage and all associated external works at The Old Vicarage, Church Lane, South Scarle, Nottinghamshire in accordance with the terms of the application, Reference 15/02125/FUL, dated 23 November 2015, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-BM-09B.
  - 2) No above ground development shall commence until details of all of the external materials to be used in the construction of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

#### Reasons

4. The application describes the proposal as a garage, lean-to building and all associated external works. I understand that the original plans were revised and the plans before me were considered by the planning authority when reaching its decision. These do not include a lean-to section. They include a

three bay garage with pitched roof and a marginally lower additional bay with matching roof form. I have assessed the proposal on the basis of the revised plans and removed the reference to a lean-to structure.

- 5. The development has commenced as the foundations have been laid. However, as the development is not complete, I have not considered it as being entirely retrospective.
- 6. The property lies within the South Scarle Conservation Area which covers much of this compact village. Although having historic connections with the nearby church, the Old Vicarage is now visually separated from it by intervening more modern development. The property has an access to both Church Lane and Main Street. The latter was in the process of being upgraded. This and the adjoining access to the Redmay Corner properties allow views along them towards the side elevation of the Old Vicarage.
- 7. The proposed building would be located adjacent to 2 Redmay Corner. The boundary of the site, at this point, is a high close-boarded fence. The new building would sit behind this structure. It would have an eaves height of just under three metres and a ridge height of five metres. It would therefore be evident in views from Main Street above the fence. However, given its position and height, it would have only limited prominence. Its design and materials would ensure that it would sit comfortably within the views of the Old Vicarage.
- 8. Overall, the building would have a very limited wider impact on the conservation area but in views that would be available, it would sit unobtrusively to the side of the main house. As it would be of good quality design and materials, it would have a neutral impact on the conservation area and the setting of the Old Vicarage. It would preserve the character and appearance of both and would not conflict with the heritage requirements of Core Policy 14 of the Core Strategy 2011 (CS) or Policy DM9 of the Allocations and Development Management Development Plan Document 2013 (DPD).
- 9. The Council have made reference to a previous appeal decision relating to a four bedroom detached house with attached double garage. It was found that that dwelling would significantly add to the amount of built form apparent in the street scene and it would appear cramped and at odds with the existing spacious character of this part of the conservation area. The current proposal differs considerably with development limited to the side of the property. It would also be single storey rather than the two storey house which would have extended across the full width of the site. The garages would not obscure existing views of the remaining trees or unacceptably reduce the open setting of the Old Vicarage which were concerns of the previous inspector.
- 10. The appeal decision made reference to the alterations to the access and these have also been referred to by third parties. However, the access arrangements have already been approved and this proposal would not alter those works other than to include the proposed garage within the parking area.
- 11. The new structure would be close to the boundary with 2 Redmay Corner and it would increase the level of enclosure that currently exists because of the high boundary fence. The plans do not accurately plot the adjacent house but I have considered the relationship that would exist on the ground. Given the height of the building, it would be more imposing than the existing fence. However, it

would not be overbearing for the adjacent residents when using their driveway or when within the main front room of the house.

- 12. The new building would have a greater impact on the dining area of 2 Redmay Corner as this is located close to the side boundary. The room has its main aspect to the rear and this would not be altered. The forward facing window is at a high level and although it provides a limited outlook, its main function is to increase light to the room. The outlook from that window would be altered when in certain parts of the room but not to the extent that living conditions would be unacceptably harmed. Similarly, light levels would not be altered to the extent that unacceptable harm would result. Overall, I do not find conflict with the amenity requirements of DPD Policy DM5 or CS Spatial Policy 3.
- 13. It is suggested that a garage could be located elsewhere within the site. It is not the purpose of these proceedings to assess alternatives. Given the works that have been accepted with regard to the driveway, the location of the development proposed would result in a satisfactory layout overall.
- 14. It has been suggested that the building could be converted to a dwelling. Although I note the planning history, the proposal is for a domestic garage and I have considered it on this basis. As a planning application would be required to convert it to a dwelling, I am not satisfied that a condition to restrict its use, as suggested by the Council, would be necessary.
- 15. Overall, I have considered the concerns raised by the local residents, the Parish Council and the planning authority. However, I agree with the views of the Council's Conservation Officer that the revised plans would satisfy the duties set out within the legislation. The proposal would meet the heritage requirements of the *National Planning Policy Framework* and the proposal would not result in unacceptable harm with regard to amenity. I have not found there to be any matters that weigh significantly against the proposal. I therefore allow the appeal.
- 16. I have not included a condition relating to the commencement of development as foundations have already been laid. I have imposed a condition specifying the relevant drawings to provide certainty. I have required that details of the materials be submitted to ensure that the development would have a satisfactory appearance and would respect the character of the host dwelling. The details shown on the plans are sufficient for a building of this nature and I have not therefore required more detailed plans as requested by the Council.
- 17. I have not imposed the conditions suggested by the highway authority as these are already included within the permission with regard to the driveway. I am not persuaded that a condition to prevent new window openings would be necessary in the interests of privacy. A condition to prevent dormer windows is not required as such additions would require a separate planning permission.

Peter Eggleton

# INSPECTOR